

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Petworth Citizens' Association, of the District of Columbia, for legislation to permit representation of the District in Congress—to the Committee on the District of Columbia.

Also, petition of the Preachers' Meeting of the Methodist Episcopal Church, at No. 150 Fifth avenue, New York, for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of employees in the shipbuilding industry, for the Merchant Marine Commission's shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of New Jersey: Petition of Alaska delegates to the Grand Camp of the Arctic Brotherhood, for an elective Territorial government for Alaska—to the Committee on the Territories.

Also, petition of Alaska delegates to the Grand Camp of the Arctic Brotherhood, for an appropriation of \$500,000 for an appropriate building and exhibit for Alaska at the Alaska-Yukon-Pacific Exposition in 1909—to the Committee on Appropriations.

By Mr. ANDRUS: Petition of the Yonkers Herald, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Thomas A. Snoddy—to the Committee on Pensions.

By Mr. BURKE of South Dakota: Petition of Public Opinion, Watertown, S. Dak., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of the Journal, of Racine; the Shook Family Medicine Company, of Racine, and the Beloit Daily News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Petition of the Fairmont West Virginian, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Henry Chase—to the Committee on Invalid Pensions.

By Mr. FLACK: Paper to accompany bill for relief of Follet Johnson—to the Committee on Invalid Pensions.

By Mr. FULKERSON: Paper to accompany bill for relief of William M. Deaton—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the Daily Mercury, San Jose, Cal., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HALE: Paper to accompany bill for relief of Joseph J. Ricketts—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of the Winchester Star and News Item, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Paper to accompany bill for relief of Beatrice H. Duncan—to the Committee on Invalid Pensions.

Also, petition of the city council of Beatrice, Nebr., for an appropriation for extension of the public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: Paper to accompany bill for relief of D. C. Maure—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of the Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAMB: Petition of Lily Council, No. 3, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Petition of the town government of Ursa, Adams County, Ill., for an appropriation for improvement of the banks of the Mississippi River between Warsaw and Quincy, Ill.—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Harvey Moore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lithia J. Sholly—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of the heirs of Joel Harrell—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Petition of Virginia State Council, No. 45, Daughters of Liberty, of Camden, N. J., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Camden, N. J., for restoration of the men of Companies B, C, and D of the Twenty-fifth Infantry to service after due investigation—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of Keystone Lodge, No. 16, International Association of Machinists, of Harrisburg, Pa., and Local Union No. 226, Amalgamated Sheet-Metal Workers' Inter-

national Alliance, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Fort Hunter Council, No. 596, and Fort Washington Council, No. 488, Junior Order United American Mechanics, and Progressive Council, No. 63, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edward Waldron—to the Committee on Pensions.

Also, paper to accompany bill for relief of Marcellus Howser and Isaiah Biddle—to the Committee on Invalid Pensions.

By Mr. TALBOTT: Petition of Lincoln Council, No. 160; Evening Star Council, No. 3, and Independent Council, No. 22, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Union Council, No. 2, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Pride of Maryland Council, No. 3, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. VAN WINKLE: Petition of the Jersey City Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD: Petitions of the Princeton Press and William Hibbert, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOODYARD: Petitions of Summers Council, No. 150, and Belgrave Council, No. 224, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, December 20, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## CITIZENSHIP OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report and recommendation submitted by Mr. James B. Scott, Solicitor for the Department of State; Mr. David Jayne Hill, minister of the United States to the Netherlands, and Mr. Gallard Hunt, Chief of the Passport Bureau, relative to the subjects of citizenship, expatriation, and the protection of American citizens abroad; which was referred to the Committee on Foreign Relations, and ordered to be printed.

## FRENCH SPOILIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Eliza*, Benjamin English, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the cause of E. L. Brien, administrator of Mary Ann Nagle, deceased, v. The United States, and in the cause of David P. Gayle and Sarah H. Gayle, administrators of Alfred Duplantier, deceased, v. The United States; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Epworth Citizens' Association of Washington, D. C., praying for the enactment of legislation providing for the election of two Delegates to the House of Representatives from the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also presented a petition of the People's Institute of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Chamber of Com-

merce of Los Angeles, Cal., praying that an appropriation be made for the improvement of fortifications of the southern California coast; which was referred to the Committee on Coast Defenses.

He also presented a memorial of the Free Public Library of Alameda, Cal., and a memorial of the Free Public Library of Stockton, Cal., praying for the enactment of legislation to amend, revise, and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented a petition of Pomona Grange, No. 1, Patrons of Husbandry, of Petaluma, Cal., remonstrating against any further appropriation being made for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Calistoga, Ontario, Chino, and Humboldt counties, all in the State of California, remonstrating against the enactment of legislation requiring the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the employment of Chinese, Japanese, and all other coolie labor on the Panama Canal, and praying that the provisions of the Chinese-exclusion act be extended to Japanese, Koreans, and other undesirable Asiatics; which was referred to the Committee on Inter-oceanic Canals.

Mr. DRYDEN presented a petition of sundry citizens of Cliff-wood, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Haddonfield, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the Bergen Republican Club, of Jersey City, N. J., praying for the enactment of legislation to increase the efficiency of the artillery of the United States; which was referred to the Committee on Military Affairs.

Mr. BURROWS presented a petition of sundry citizens of Lansing and Jackson, Mich., praying for the enactment of legislation extending the time required for the settlement of homesteads in the Shoshone Indian Reservation in Wyoming; which was referred to the Committee on Territories.

He also presented a memorial of the Milnes Supply Company, of Coldwater, Mich., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of J. W. York & Sons, of Grand Rapids; of the librarian of the Grand Rapids Public Library, of Grand Rapids; of the librarian of the Sage Library, of Bay City; of the librarian of the Public Library of Detroit, and of the librarian of the University of Michigan library, of Ann Arbor, all in the State of Michigan, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented memorials of Ashbaugh Subordinate Grange, No. 1202, of Lake City; of Belleville Grange, No. 331, of Belleville, and of Fisher Grange, No. 790, of Harrisville, Patrons of Husbandry, in the State of Michigan, remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Allegan, of the Michigan State Grange, Patrons of Husbandry, and the Women's Christian Temperance Union of Albion, all in the State of Michigan, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Clamlake Township, Cadillac, Hiawatha, Shiawassee, Goodwell, St. Louis, Menominee, Charlotte, Clare County, Elk Rapids, Omer, Hillsdale, Barry County, Cooperville, Gratiot County, St. Charles, Iron River, Montcalm County, Stanton, Ann Harbor, and Battle Creek, all in the State of Michigan, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the town board of Ursa, Ill., praying that an appropriation be made for the improvement of the Mississippi River between Warsaw and Quincy in that State; which was referred to the Committee on Commerce.

Mr. PILES presented a memorial of sundry citizens of Kit-

sap County, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a memorial of sundry citizens of Kingfisher County, Okla., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Anacostia Citizens' Association, of Washington, D. C., praying for the enactment of legislation to extend the tracks of the Washington Traction and Electric Railway Company to the Union Station in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Petworth Citizens' Association of Washington, D. C., praying for the enactment of legislation providing for the election of two Delegates to the House of Representatives from the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Woodridge, Washington, D. C., praying for the enactment of legislation providing for the purchase of a certain square of ground for the public park in Langdon, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 7213) providing for the establishment of a public park at Langdon, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also (for Mr. BURNHAM) presented the memorial of George W. Howard and 36 other citizens of New Hampshire, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also (for Mr. BURNHAM) presented a petition of the Monday Club of Rochester, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also (for Mr. BURNHAM) presented memorials of the librarian of the city library, of Manchester, N. H.; of B. A. Bloomey, of Manchester, N. H., and of the American Musical Copyright League, of New York City, N. Y., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. HANSBROUGH presented a memorial of the Commercial Club of Bismarck, N. Dak., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. LONG presented petitions of sundry citizens of Sterling, Kans., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Butler County, Chautauqua County, Tola, Columbus, Concordia, Mineral, Decatur, Rawlins County, Dickinson County, Blue Mound, Chanute, Emporia, Ottawa County, Phillips County, Herndon, Rydal, Blaine, Rush County, Saline County, Wellington, Sumner County, Kansas City, Pottawatomie, and Wyandotte, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a memorial of sundry citizens of Woodstock, Vt., and a memorial of sundry citizens of West Burke, Vt., remonstrating against the enactment of legislation authorizing the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BENSON presented a petition of the congregation of the United Presbyterian Church of Eskridge, Kans., praying for the passage of the so-called "Littlefield original-package bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the United Presbyterian Church of Eskridge, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. BURKETT presented a memorial of the librarian of Lincoln City Library, Nebraska, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.



## STEPHEN M. HONEYCUTT.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3498) for the relief of Stephen M. Honeycutt, reported it with an amendment, and submitted a report thereon.

## AMANDA M. WEBB.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 2978) granting a pension to Amanda M. Webb, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda M. Webb, widow of Nathan B. Webb, late of Company D, First Regiment Maine Volunteer Cavalry, and to pay her a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7381) for the widening of Benning road, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ANKENY introduced a bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909; which was read twice by its title, and referred to the Select Committee on Industrial Expositions.

Mr. WARNER introduced a bill (S. 7383) to empower the Court of Claims to ascertain the amount to be paid in certain litigation against intermarried whites in the Cherokee Nation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PILES introduced a bill (S. 7384) granting an increase of pension to Orson B. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP (by request) introduced a bill (S. 7385) to establish a court for the settlement of claims by Indians against the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7386) for the relief of the trustees of the Providence Methodist Episcopal Church, near Suffolk, Nansemond County, Va. (with an accompanying paper);

A bill (S. 7387) for the relief of the trustees of the Primitive Baptist Church of Waterlick, Va.;

A bill (S. 7388) for the relief of the trustees of the Methodist Episcopal Church South, of Snickersville (now Bluemont), Va.;

A bill (S. 7389) for the relief of the trustees of the Old Goose Creek Church, near Markham, Va.; and

A bill (S. 7390) for the relief of the trustees of the Methodist Episcopal Church South, of Middleburg, Va.

Mr. BRANDEGEE introduced a bill (S. 7391) granting an increase of pension to Albert Leeds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (S. 7392) for the relief of St. Patrick's Roman Catholic Church, of Little Orleans, Md.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 7393) for the relief of Anna K. Carpenter or her heirs at law; which was read twice by its title, and referred to the Committee on Claims.

Mr. BULKELEY introduced a bill (S. 7394) granting an increase of pension to Henrietta C. Cooley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7395) granting an increase of pension to Gilbert H. Mitchell;

A bill (S. 7396) granting an increase of pension to Alexander McCauley; and

A bill (S. 7397) granting an increase of pension to Thomas B. Wait.

Mr. PEOCTOR introduced a bill (S. 7398) granting an increase of pension to Page G. Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 7399) to amend an

act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 7400) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. SPOONER introduced a bill (S. 7401) granting an increase of pension to Henry E. Stewart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 7402) granting an increase of pension to F. H. de Castro; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7403) granting an increase of pension to Edward Farr;

A bill (S. 7404) granting an increase of pension to William J. Jones;

A bill (S. 7405) granting an increase of pension to Percival Miller;

A bill (S. 7406) granting an increase of pension to William H. McConnell;

A bill (S. 7407) granting an increase of pension to Richard Davis;

A bill (S. 7408) granting an increase of pension to Charles Hines;

A bill (S. 7409) granting an increase of pension to Merritt Tompkins;

A bill (S. 7410) granting an increase of pension to David Hughes;

A bill (S. 7411) granting an increase of pension to John M. Armstrong;

A bill (S. 7412) granting a pension to Lydia A. White (with accompanying paper);

A bill (S. 7413) granting an increase of pension to Joseph T. Sparr (with accompanying papers); and

A bill (S. 7414) granting an increase of pension to William Sherk (with accompanying papers).

Mr. BURKETT introduced a bill (S. 7415) granting an increase of pension to William S. Peery; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7416) providing for carrying free of postage in the mails reading matter for the use of the blind, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

## AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing that on and after March 4, 1907, the compensation of Senators of the United States and Representatives and Delegates in Congress shall be at the rate of \$7,500 per annum, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WETMORE (for Mr. ALDRICH) submitted an amendment proposing to increase the salary of the marine engineer, office of the Quartermaster-General, from \$2,500 to \$4,000, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LONG submitted an amendment proposing to increase the salaries of the Capitol police, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## CHARLES E. HENRY.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."*

## DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. HANSBROUGH. I move that the bill (S. 5327) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, be recommitted to the Committee on Public Lands.

The motion was agreed to.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on this day approved and signed the following acts:

On December 20, 1906:

- S. 158. An act granting an increase of pension to John Ard Gordon;
- S. 2225. An act granting an increase of pension to Samuel White;
- S. 2880. An act granting an increase of pension to James C. Coad;
- S. 4174. An act granting an increase of pension to Joseph P. Garland;
- S. 4235. An act granting an increase of pension to Daniel Sullivan;
- S. 4345. An act granting an increase of pension to J. Dillon Turner;
- S. 4365. An act granting an increase of pension to Mathew Kerwin;
- S. 4366. An act granting an increase of pension to Henry B. Willhelmy;
- S. 4695. An act granting an increase of pension to John H. Mullen;
- S. 4991. An act granting an increase of pension to Lycurgus D. Riggs;
- S. 5042. An act granting an increase of pension to Josephine S. Jones;
- S. 5402. An act granting an increase of pension to Charles M. Lyon;
- S. 5545. An act granting an increase of pension to Margaret Brannon;
- S. 5547. An act granting an increase of pension to Hillary Beyer;
- S. 5637. An act granting an increase of pension to Margaret Himmel;
- S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh;
- S. 5994. An act granting an increase of pension to John Dickey;
- S. 6148. An act granting an increase of pension to James S. Whitlock;
- S. 6151. An act granting an increase of pension to Mark Ham;
- S. 6259. An act granting an increase of pension to Oakaley Randall;
- S. 6339. An act granting an increase of pension to James Dearey;
- S. 5081. An act granting a pension to Lucy Florette Nichols;
- S. 6228. An act granting a pension to Betsey Hattery; and
- S. 6521. An act granting a pension to Abbie J. Daniels.

## DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I ask that the resolution I offered yesterday, which is on the table, may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. FORAKER, as follows:

*Resolved*, That if the Committee on Military Affairs deem it necessary, in connection with the consideration of the message of the President in response to resolutions Nos. 180 and 181, to take further testimony to establish all facts connected with the discharge of the members of Companies B, C, and D, Twenty-fifth United States Infantry, that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. FORAKER. Mr. President, I said yesterday that I would rather not make any comment in response to the President's message until I had had an opportunity to study it carefully, and for that reason I was anxious to have it go, and go without objection, to the Committee on Military Affairs, where we might deal with it in that deliberate and careful way in which such an important matter should be considered. But after I left the Senate I reread the message of the President. I stated in the Senate that I had already been over it twice, once reading it and once following the Secretary as he read it. After I went home I read it again, and it occurred to me that it would not be out of place, inasmuch as we were compelled, by the objections made yesterday, to keep this matter before us for consideration, to make some remarks about it at this time.

I wish to say, in the first place, and I think Senators will bear me out in it, that I never deal in unqualifiedly positive statements unnecessarily, and I try always to avoid extravagance of speech in whatever I may see fit to say to my colleagues here in this body. I shall try particularly to be conservative and considerate in whatever I may say this morning.

With that in mind, let me say, in the first place, that a careful reading of the President's message has convinced me that, in my opinion—I may be mistaken, but in my opinion—he has

misconceived, first, his constitutional powers with respect to the action he has taken concerning this battalion, and, in the second place, he has misconceived the testimony upon which his action is based. He states in his message:

I ordered the discharge of nearly all the members of Companies B, C, and D of the Twenty-fifth Infantry by name, in the exercise of my constitutional power and in pursuance of what, after full consideration, I found to be my constitutional duty as Commander in Chief of the United States Army.

The constitutional power of the President as Commander in Chief is found in section 2 of Article II of the Constitution, and it reads, in part, as follows:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia, etc.

I have read far enough. That is all that the Constitution says as to the constitutional powers of the President as Commander in Chief.

In section 8 of Article I of the Constitution it is provided as I shall read. I have a note of it, but I prefer to read from the Constitution itself. However, to save time I will read from my notes. Section 8 of Article I reads, in part, as follows:

The Congress shall have power \* \* \* to raise and support armies; \* \* \* to make rules for the government and regulation of the land and naval forces.

That is all that is applicable, and I confine myself in the reading to that.

Now, Mr. President, it must be apparent to anyone without any study that the constitutional power conferred upon the President of the United States as Commander in Chief is to command the Army, and the power conferred by the Constitution on the Congress is a power to raise the Army and to prescribe the laws and the rules whereby the Army shall be regulated. Nobody would pretend that the Congress had any power or that anybody else had any power over the President as the commander to direct the movement of troops, to say where they should be stationed in time of peace or how they should be directed against the enemy in time of war. He, in that particular, is absolute, without anybody to question his authority.

But, on the other hand, it seems to me, Mr. President, equally clear no one can question that the Congress has power to prescribe by law what rules and regulations shall govern the Army as to its organization, as to the size of the Army, its maximum, its minimum, as to the number of the infantry regiments, the number of cavalry regiments, the number of artillery regiments, and the number of batteries, and the number of men in each of these units of organization; and how, Mr. President, particularly, men shall be enlisted and men shall be discharged from the Army, the terms and conditions upon which they shall be enlisted, the rights that shall accrue to them on account of their service—long service, faithful service—whether or not they shall be recognized by the Government and be rewarded by the Government. All that rests with Congress as a part of that power. As a part of that power it is competent for the Congress of the United States to provide that no man shall be summarily discharged from the Army after he has been regularly enlisted except upon certain terms and conditions; that no man in the Army shall be found guilty of any offense with which he may be charged except after he has had an opportunity to appear before a tribunal where he can present his defense, where he can be represented in person and be represented by attorney, if he wants to be, or by some one else to speak for him; where he can confront his accusers and cross-examine their witnesses.

Now, Mr. President, with that as a preliminary, I desire to call attention to the fact that the Congress has most carefully considered this whole subject, and the Congress has with extreme care provided what the terms and conditions of enlistment shall be, what the obligations of an enlisted man shall be, under what conditions he may be discharged, whether he may be discharged dishonorably or whether he may be honorably discharged, and of recent years, by virtue of a regulation that was promulgated in 1895, which has been acquiesced in by Congress and may be said now to have the approval of law, whether he may be discharged without honor, as these men were. I call attention to the Articles of War. It is provided in the second of these articles as follows:

ARTICLE 2. These rules and articles shall be read to every enlisted man at the time of or within six days after his enlistment, and he shall thereupon take an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and Articles of War." This oath may be taken before any commissioned officer of the Army.

So, Mr. President, the obligation which we are told these men violated when they declined to give testimony asked for and which the officers assumed they could give if they would tell



what they knew, was an obligation to obey everything that might be commanded by their superiors, from the President down, which was commanded in accordance with the rules and Articles of War.

That is the first limitation. Stopping there, Mr. President, it must be evident to any careful student of this subject that it was not intended that the constitutional power of the President as Commander in Chief should be, especially in time of peace, without restraint, without restriction, without limitation, but, as the Constitution itself declares when it empowers Congress with respect to this subject, that it should be subject to such rules and regulations as the Congress might prescribe, and Congress has prescribed that the duty of the soldier shall be confined, in the obeying of orders, to that which is in harmony with the Articles of War.

Now, what do these Articles of War prescribe? I have them before me, but I took occasion to copy out the essence of those to which I wish next to call attention. It is provided in article 16 as follows. Let me say before I commence to read that I am going to read only the skeleton just to indicate the general nature of the provisions, and it will be found, when I have read all the provisions on the subject, that the Congress, specifically mentioning every kind of an offense, has carefully provided for the question how, in the event of the commission of such an offense, the soldier shall be found guilty of it. Commencing with article 16, it is as follows:

Any enlisted man who sells or willfully or through neglect wastes the ammunition delivered out to him shall be punished as a court-martial may direct.

Article 17 provides that—

Any soldier who sells or through neglect loses or spoils his horse, arms, clothing, or accouterments shall be punished as a court-martial may adjudge.

Article 20 provides that any soldier showing disrespect to his commanding officer shall be punished "as a court-martial may direct."

Article 21 provides:

Any soldier who strikes a superior officer shall be punished as a court-martial may direct.

Article 22. Any soldier guilty of mutiny or sedition shall be punished "as a court-martial may direct."

In the President's message of yesterday we are officially informed that these men were guilty of mutiny, and he discharged them in the way he did because of the mutinous character of their conduct.

Article 24. Any soldier who refuses to obey an officer who is trying to suppress a quarrel or affray shall be punished "as a court-martial may direct."

Article 26. Any soldier who challenges or accepts a challenge to fight a duel shall be punished "as a court-martial may direct."

Article 31 provides:

Any soldier who lies out of his quarters, garrison, or camp without leave shall be punished as a court-martial may direct.

Article 32. Any soldier who absents himself from his troops, etc., without leave shall be punished "as a court-martial may direct."

Article 33. Any soldier who absents himself from parade without leave shall be punished "as a court-martial may direct."

Article 34. Any soldier who is found 1 mile from camp without leave in writing shall be punished "as a court-martial may direct."

Article 36. Any soldier who hires another to do his duty, instead of doing it himself, shall be punished "as a court-martial may direct."

Article 38. Any officer found drunk on guard, etc., shall be dismissed from the service, but any soldier who so offends shall be punished "as a court-martial may direct."

The general provision is added to this section following:

No court-martial shall sentence any soldier to be branded, marked, or tattooed.

Article 39. Any sentinel found sleeping upon his post shall be punished "as a court-martial may direct."

Article 40. Any soldier who quits his guard, platoon, or division without leave, except in a case of urgent necessity, shall be punished "as a court-martial may direct."

Article 42. Any soldier who misbehaves before the enemy, etc., shall be punished "as a court-martial may direct."

Article 47. Any soldier who deserts in time of war shall be punished "as a court-martial may direct," except that in time of peace the death penalty shall not be imposed.

Article 51. Any soldier who advises another to desert, etc., shall be punished "as a court-martial may direct."

Article 55. All soldiers must behave themselves in quarters and on the march, and whoever commits any waste or spoil

either in walks, or trees, parks, warrens, fish ponds, houses, gardens, grain fields, inclosures, or meadows, or maliciously destroys any property belonging to inhabitants of the United States shall be punished "as a court-martial may direct."

Article 56. Any soldier who does violence to any person bringing provisions, etc., to the camp shall be punished "as a court-martial may direct."

Article 59 provides that—

When any officer or soldier is accused of a capital crime or of any offense against the person or property of any citizen of any of the United States which is punishable by the laws of the land, the commanding officer and the officers of the regiment, troop, battery, etc., to which the person so accused belongs are required, except in time of war, to deliver them up to the civil magistrate.

Article 60 provides that any person in the military service of the United States, who makes or causes to be made any false claim, or enters into any agreement or agreements to defraud the United States, or who makes or uses any false paper to defraud the United States, or who commits perjury in support of any false claim against the United States, or who commits forgery in such behalf, or who delivers less property than a receipt calls for, or who gives receipts without knowing the truth recited in them, or who sells, embezzles, etc., or who buys any military property from any soldier, officer, or other person, the party selling not having lawful right to sell or pledge the same, shall, on conviction, be punished "as a court-martial may adjudge."

I come now to article 62. I have already pointed out how specifically and carefully every kind of an offense that the law-making power could foresee that it was likely a soldier would commit was provided for; and in every instance the Congress of the United States, in the exercise of its constitutional power, has said there shall be no summary, no arbitrary, no autocratic exercise of power by way of conviction or punishment as for a penalty, but there shall be a trial by a court-martial, and the punishment shall be such as the court-martial may direct.

Then later, without stopping to read it, Congress, fearing that a court-martial might be more severe in prescribing the penalty than it should be, passed a statute authorizing the President of the United States to promulgate an order specifically fixing the maximum punishment that might be imposed upon a soldier for the violation of any of his duties as a soldier, including all the cases to which I have referred and all the cases arising under what I now read as article 62. After thus carefully and in detail providing specifically for every offense they could foresee, they then enacted this omnibus clause. I will read it from the book, as in my notes I abbreviated it somewhat:

ARTICLE 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of to the prejudice of good order and military discipline, though not mentioned in the foregoing Articles of War, are to be taken cognizance of by a general or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense and punished at the discretion of such court.

First, then, there is specific provision as to all offenses that could be foreseen, every offense, every neglect of duty, every disorder that they could enumerate, basing their enumeration upon past experience, and then, for fear they might have omitted some case and thereby have left it to a superior officer, to anyone, no matter what his rank, from the Commander in Chief down to the one immediately over him, they were careful to provide in this omnibus way as to all disorders and neglects which are prejudicial to good order and military discipline.

Now, Mr. President, that is broad enough, I think it would be agreed without any argument on my part, to cover the case in question.

But this sixty-second article of war has received judicial interpretation. Let me say in passing that this article 62 was not enacted until after the civil war was ended. It was not in force when General Grant did something that we were cited to yesterday as a precedent. I will comment upon that specifically presently. It certainly was not in force in the Confederate army when General Lee discharged some regiment for cowardice. I do not know what the constitutional power of General Lee was. I do not know what his statutory authority was, but I know enough about the character of the case from what the President has said about it in his message and in the notes upon it attached to his message to say if it had been in the United States Army it could not have been cited as a precedent for this kind of a case.

I now read from General Davis in his work on Military Law. I read from page 473. what is meant by "neglect and disorders" that are prejudicial to good order and military discipline. He says:

A "neglect" is an omission or forbearance to do a thing that can be done or that is required to be done. In its ordinary meaning it is an omission, from carelessness, to do something that can be done or ought to be done. The obligation to perform the act or thing

neglected is military in character and arises in connection with the requirements of military duty. Law, regulations, orders, and, where these are silent, the custom of service prescribe the several military duties and obligations the neglect of which is chargeable under this article; the evidence submitted in a particular case shows the manner in which the duty was performed and the particulars in respect to which there has been criminal neglect. The term "disorder," as used in this connection, is more comprehensive than when used in reference to civil affairs, and includes not only disorders in the sense of frays, quarrels, and the like, but all interruptions of the good order which should prevail in camp or garrison and willful departures from that orderly recurrence of events which constitutes military discipline and which are, as such, harmful or prejudicial to good order and military discipline.

Then in a note cases are cited in support of the text. I read from one of them, from the note at the foot of page 474. It was a case where it was held that "refusing to testify when duly required to attend and give evidence as a witness before a court-martial" was a disorder and a neglect of duty prejudicial to good order and military discipline, cognizable under the sixty-second Article of War, and therefore an offense for which, by virtue of that article, the accused was entitled to trial by court-martial. That is what it was charged these soldiers were guilty of in this case—

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. As the Senator is speaking about the power to discharge without honor, I find that I have a memorandum here from General Ainsworth—

Mr. FORAKER. If the Senator will allow me, I am going to take that up separately.

Mr. LODGE. I was going to ask the Senator if he would explain how it was that 352 enlisted men of the Regular Army have been discharged without honor during the past two years?

Mr. FORAKER. I will explain it, and take pleasure in explaining it. I shall take pleasure in showing to the Senator that in no one of those cases was there any punishment involved, but simply a withholding of honor. I will talk about the argument presently as to whether or not there is punishment in this case. In all those cases there was no punishment involved; they simply severed connection with the Army, as in the case of a young boy who comes and wants to enlist and misrepresents his age, stating that he is of an age which authorizes him to enlist; but the next day or the next month or six months thereafter his mother comes and says: "This is my only support. He has made a misrepresentation about his age. Here is the record. He is only 16," or whatever his age may be, "and he did not have my consent to enlist. I want to have him discharged." Thereupon, the case going to the Secretary of War or to the President, he is discharged without honor, according to this regulation. But I will speak about what "without honor" implies presently.

Mr. LODGE. The Senator does not mean to suggest that that is the only cause of a discharge "without honor?"

Mr. FORAKER. No; certainly not. I gave that simply as one illustration. Dozens of illustrations might be given.

Mr. LODGE. Of the 352, 113 were discharged without honor on account of desertion, 8 on account of desertion and fraudulent enlistment, 107 on account of imprisonment under sentence of civil court, and 38 on account of having become disqualified from service through their own misconduct.

Mr. FORAKER. Certainly. That is as good a set of illustrations as I could use, and I thank the Senator for calling my attention to the fact that they are all found in this report. A man is discharged without honor because he was a deserter. What is implied in it? The man who was regularly enlisted and then deserted was liable to be tried and found guilty of desertion, but he came and said, "I deserted; there were extenuating circumstances; I hope you will not punish me; I will be glad if you will give me my discharge; I will take a discharge without honor;" and the War Department or the commander of the department or the President, whoever it may be who can do it, says, "Very well; we will get rid of you on the terms you propose; we will give you a discharge without honor." There is no punishment in that. They are simply withholding from a man not entitled to it what belongs only to the man who has honorably served, "faithfully and honestly," through his enlistment, to employ the language of the statute. There is no punishment in such case, but rather a favor.

So it is with the other cases enumerated. In each of them the discharge was granted, and if we had the complete record you would find it was granted doubtless on the application of the man discharged.

But that is a very different case, Mr. President, from this. In cases of that kind I think it is well enough to have a dis-

charge without honor, as contradistinguished from a discharge that is honorable or a discharge that is dishonorable.

But, Mr. President, there is no statutory provision which recognizes a discharge without honor except only as the Congress of the United States has acquiesced in regulations for the government of the Army prescribed by the President of the United States, in which such discharges are mentioned for cases of this kind. Until 1895, when the regulations now in force were issued, during Mr. Cleveland's Administration, through his Secretary of War, Mr. Lamont, nobody had ever heard officially of a discharge without honor. But everybody recognized that there were cases where it was not right to give a man an honorable discharge, and yet not proper to give him a dishonorable discharge. They did not want to go to the trouble of court-martialing him in order that they might give him a dishonorable discharge. The cases were such as have been referred to. A man who enlisted through misrepresentation as to his age was not entitled to an honorable discharge, and they said, "We will let him go, out of consideration for his mother and for his tender years. We will overlook it and give him a discharge, but will say without honor," so that he can not carry away a certificate of the Government that should be given only to men who have served honestly and faithfully.

Mr. PROCTOR. It was a void enlistment.

Mr. FORAKER. It was a void enlistment, and they simply cut the matter short on the application of the soldier without going through the trouble and annoyance of a trial.

But, Mr. President, when you come to a case like this, where men are not seeking a discharge, but where they are protesting against it, where men are charged with having committed a heinous crime, as the President said yesterday, the most atrocious crime that was ever committed in connection with the Army—where we have a case of this kind, and the men are protesting their innocence, saying, "We have served long, and we have served faithfully, and we had nothing whatever to do with this wrong of which you talk, and we know nothing about it," it is not a case for a discharge without honor, and to say that it is a discharge that can be distinguished from a dishonorable discharge is simply to undertake to make a distinction where really there is none, as I shall point out.

Now, here is what Winthrop says upon that subject, in the first volume of Military Law and Precedents. I read from page 848:

*Discharge "without honor."*—This is a species of discharge recently introduced into our practice, as supposed to be warranted by the fourth article, and proper to be given where the circumstances which have induced the discharge are discreditable to the soldier. But the distinction between a discharge "without honor" and a "dishonorable" discharge is fanciful and unreal, and, in the opinion of the author, it is open to discussion whether this newly invented form is legally authorized under this article.

I might read further, but I have read enough to show what he has to say—and he is an acknowledged authority on the subject—of a discharge without honor. The distinction is fanciful, it is unreal; it is unreal because in a case like this it does involve punishment, no matter what may be said by the President or anybody else to the contrary.

The President said in his message of yesterday—I want to get the exact language—

People—

I am one of them—

have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate.

And so on.

Mr. President, we will agree that, if these men committed this atrocious offense, the punishment of being discharged without honor is inadequate; if they deliberately committed murder, the punishment appropriate is death, as the President says; and if their comrades deliberately were guilty of misprision of felony in refusing to give testimony as to the facts of which they had knowledge, they committed a crime punishable with imprisonment in the penitentiary for three years. So the President is right in saying that the punishment he has imposed is inadequate. But, Mr. President, punishment does not have to be adequate to be punishment. It is punishment although it may be grossly inadequate if measured by the character of the offense. If these men committed murder, as charged, the punishment is inadequate. If they were innocent of murder and innocent of misprision of felony, then is the punishment of a discharge without honor grossly exaggerated, harsh, and brutal, for in that case they would not have committed any crime and yet be severely punished.

But now let us see whether this was a punishment or not. Sometimes men talk more frankly before a point has been called



to their attention. I do not refer to the President in that connection, but refer to the Inspector-General, upon whom he chiefly relies, General Garlington. General Garlington has made a report which accompanies the President's message, now before us officially, in which he tells of following the investigation of the report of Major Blocksom, the assistant inspector. He went down to Fort Reno, where these men were encamped, and there investigated this subject, examining the men with a view to finding out, if possible, if he could prove that this shooting in the town of Brownsville was done by the soldiers of this regiment. What is it he says?

First, he said there was an order under which he went there to perform this duty; an order issued by the Acting Secretary of War, Robert Shaw Oliver, in which he was instructed to see these men and to inform them frankly and fully that they must disclose knowledge as to who of their comrades had committed this offense, or else they would be mustered out of the service without honor and be debarred from ever again entering the service. What does he say he did? He says he met the men; he examined them all so far as he thought it necessary, a great many of them, at least, with very great care. He says "only one man presented himself voluntarily, and that was not to give information, but to urge his own case for exemption from the penalty imposed by the President."

I want to refer to the dictionary to see just what is meant by the word "penalty" and how it is defined by lexicographers. I have always understood that "penalty" means punishment; that when some authority imposed a penalty that that authority was seeking to impose punishment. In the concluding paragraph of his report General Garlington says:

I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

The order of the President was written upon the back of this report and returned to the War Department: "Let this recommendation be executed." I am not trying to give the exact language, but it was an order of the President to execute that recommendation to muster the men out without honor, to debar them from entering the military service, to debar them from entering the naval service, to debar them perpetually from entering the civil service. But what does he say further:

In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

Now, what is "penalty?" The Century Dictionary says:

Penalty \* \* \* (see *penalty*, of which *penalty* is a doublet). 1. Suffering, in person or property, as a punishment annexed by law or judicial decision to a violation of law; penal retribution.

Now, Mr. President, what General Garlington recommended was that this extreme penalty, which meant extreme punishment, should be inflicted upon these men; and when we observe the consequence of it, extreme it was indeed, for these men went forth branded, in the first place, as murderers; branded as having been participants in the commission of one of the most atrocious crimes that ever disgraced the United States Army, as the President of the United States says; branded not only as murderers, but branded as conspirators to suppress knowledge of the murder and to prevent the bringing to trial and punishment of the guilty perpetrators of that atrocious crime. Not only that, Mr. President, but guilty also of committing perjury, for every one of them had sworn that he was asleep in the barracks; that he had no knowledge of the matter and could not give any information about it. Those men go forth, Mr. President, branded in that way. I wish I had the report that came in here showing the individual records of these men. I started to look through it yesterday, but we reached the consideration of this resolution before I had time to pursue it very far. But I saw the beginning of it, and the name that stands at the head of that list is that of Mingo Saunders, first sergeant. I observe that he had served twenty-six years, a number of years in the Philippine Islands, in Cuba, and in the Indian wars. He had been enlisted, I think, eight times, and each time honorably discharged before he was again reenlisted. He enlisted eight times, as I have said, and at the end of each enlistment was discharged, and under the head "remarks," it is said each time, "excellent soldier," or "faithful and reliable soldier," or something of equivalent import every time he was discharged; a complimentary remark of that character—"faithful," "reliable," "excellent," "extremely good," "efficient," etc., showing that, in the language of the statute, he had served "honestly and faithfully" twenty-six years.

Mr. SPOONER. What was his character?

Mr. FORAKER. His character was excellent; and yet that man, whose character is excellent, is branded as a perjurer who has been in conspiracy to suppress the crime of murder. Why, Mr. President, an atrocious crime has been committed if that man is not guilty. When the facts are all known we will know who has committed the atrocious crime. This is only one case. I do not know how many more of these soldiers there were who had long terms of service to their credit; but they have all been discharged in that same way, with remarks of "excellent service," "faithful," "reliable service," etc. Such was the record of Mingo Saunders until in November last he was given this piece of paper, discharging him without honor, to carry around with him all the rest of his life, branding him as a criminal against the country he had been so faithfully serving, and included in the denunciation that is visited upon the men of this battalion. Is there no punishment involved? Is it anything but punishment, and was not punishment the avowed purpose?

That is not all. General Garlington said again, speaking of these men:

They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls.

So it is that three or four times the Inspector-General, whose recommendation the President approved and whose recommendation was his order, has spoken of what happened as a penalty or a punishment, and there is no distinction between the terms.

I shall go back now, if I can, to where I was when the Senator from Massachusetts [Mr. LODGE] interrupted me. While I do not object to interruptions, when I tell a Senator I am coming to a certain point directly I hope he will allow me to approach it in regular order, so that I will not be diverted.

Mr. LODGE. I will not interrupt the Senator again.

Mr. FORAKER. I am glad to be interrupted; but if I answer I will hear the interruption later, because of the logical arrangement I have in my mind of the remarks I desire to address to the Senate, I hope that Senators will do me the favor not to compel me to anticipate what will properly follow later in my remarks.

I was pointing out that article 62 of the Articles of War is an omnibus clause and covers every kind of offense not specified. I was reading from the authorities by which that has been interpreted, and I had just called attention to the fact that one of the cases coming under the sixty-second article of war was a case where a soldier had refused to give testimony before a court-martial. That is very much like what happened here. On page 476 the author says:

As to whether an act which is a civil crime is also a military offense no rule can be laid down which will cover all cases, for the reason that what may be a military offense under certain circumstances may lose that character under others. For instance, larceny by a soldier from a civilian is not always a military crime, but it may become such in consequence of the particular features, surroundings, or locality of the act. What these may be can not be anticipated with a sweeping rule comprehensive enough to provide for every possible conjunction of circumstances. Each case must be considered on its own facts. But if the act be committed on a military reservation or other ground occupied by the Army, or in its neighborhood, so as to be in the constructive presence of the Army, or if committed while on duty, particularly if the injury be to a member of the community whom it is the offender's duty to protect; or if committed in the presence of other soldiers, or while in uniform; or if the offender uses his military position or that of another for the purpose of intimidation or other unlawful influence or object—such facts would be sufficient to make it prejudicial to military discipline within the meaning of the sixty-second article of war.

And then in the notes found at the foot of the page occurs the following:

If the offense be committed on a military reservation, or other premises occupied by the Army, or in its neighborhood, so as to be, so to speak, in the constructive presence of the Army; or if committed by an officer or soldier while on duty, particularly if the injury is done to a member of the community whom the offender is specially required to protect; or if committed in the presence of other soldiers, or while the offender is in uniform; or if the offender uses his military position or that of a military superior for the purpose of intimidation or other unlawful influence or object—the offense will, in general, properly be regarded as an act prejudicial to good order and military discipline, and cognizable by a court-martial under this article.

That is the sixty-second article of war.

So I might go on and read at very great length, for the authorities are numerous. It is not an open question; it has been passed on time and again, and always it has been held that it was the purpose of Congress to carefully provide that no man charged with an offense should be found guilty of it and be punished for it otherwise than by a court-martial and as the court might direct; or, if it were a crime cognizable by the civil authorities, as murder is, then a civil proceeding should follow.

I might go much further with that, but our time is limited this morning, and I will content myself with merely outlining what I shall undertake to elaborate when we reach the point

where we can take this matter up for orderly and extended discussion. I hurry away from it for another reason: I want to call attention to some other matters. The President says:

The act was one of horrible atrocity, and, so far as I am aware, unparalleled for infamy in the annals of the United States Army.

If these men committed this crime, I agree with him it was an atrocious crime. You can hardly imagine that soldiers stationed in a town, as these men were, would organize a conspiracy to raid the town, go out at midnight when everybody was in bed and asleep, and undertake to "shoot up" the town and take the lives of the citizens of that community. I have no sympathy with that whatever, and it may be that all that was done; but what I want to call attention to, as I said a while ago, is that the President, in my opinion, has not only misconceived his constitutional power, but also has misconceived the testimony. What is it he tells us?

Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction.

The President could not have counted the witnesses. We have got them all here in the papers sent to us. We have a right to assume they are all here. We asked for them all, and the message informs us that the request of the Senate has been fully complied with. If so, we have every scrap of testimony to which the President referred when he said the guilt of the men belonging to this battalion who "shot up" the town has been established by "scores of eyewitnesses." Let us see about that.

I took some pains, after I read that over again at my home last evening, to look through this record and count the witnesses who appeared to testify against these soldiers to the effect that they had committed this offense.

There were two kinds of testimony taken. There was the testimony taken of the men themselves, to which I will call attention directly. That is testimony for the defense. Then testimony to convict the men as responsible for this raid, this murder, and all this bad conduct was taken by a self-constituted citizens' committee, which testimony was confined to the citizens of the town who were "eyewitnesses" of what occurred. The President says there were scores. I say he did not count the witnesses. I have counted them. There are just twenty-one of them—no more. I am going to read the names of them, so that they will be in the Record and so that, if I have made any mistake, it will be here where we can correct it. George W. Randall was the first one; O. J. Matlock was the second; Mr. Jose Martinez was the third; Mr. Adolph Bolack was the fourth; Mr. A. Baker was the fifth; Mr. A. C. Moore was the sixth; Mr. Epolita Martinez was the seventh; Mr. C. S. Canada was the eighth; Mr. Victoriana Fernandez was the ninth; Mr. Starck was the tenth; Mr. C. C. Madison was the eleventh; Mr. J. P. McDonald was the twelfth; Doctor Thorne was the thirteenth; Mr. Herbert Elkins was the fourteenth; Macedonio Ramirez was the fifteenth; Genaro Padron was the sixteenth; Guy Rentfro was the seventeenth; Celedonio Garza was the eighteenth; F. M. McCampbell was the nineteenth; M. G. Dalling was the twentieth, and G. W. H. Rucker was the twenty-first.

I looked through this testimony very carefully simply to confirm what I thought when I read it the first time and to see how many out of the twenty-one were, in fact, eyewitnesses. There is no pretense that there is any testimony here except what is found in the statements of these twenty-one, who, as I say, were not sworn. They appeared before the self-constituted committee that had no power to administer oaths, and nobody administered an oath. They simply stated what they knew of the trouble that occurred the night before.

Now, let me show how many of them claimed to be eyewitnesses. I am going to take the time to read this testimony to you. I will read first the testimony of Mr. Adolph Bolack. I will undertake to point out just how many of the twenty-one showed by their testimony that they were eyewitnesses or that they had any knowledge whatever of the facts. They do not know half as much as the President thinks he knows. Adolph Bolack's testimony is as follows:

Q. Now, tell what you know.—A. Well, my wife and daughter hear the shooting and come running out in the dining room and got frightened. I was coming out to see what was coming on, but she would not let me. I went to my window and saw Dominguez—

He was a policeman—

and two policemen go by. I holler, but Dominguez did not hear me. After they got by they commenced shooting again. And that is all I know. In about three minutes the shooting commenced in the alley.

Mr. SCOTT. From what is the Senator reading?

Mr. FORAKER. I am reading from Major Blocksom's report, which is embodied in the report the Senator has before him.

Mr. SCOTT. Why does not the Senator read from the other copy?

Mr. FORAKER. I use this because I did not have the other, and I have my notes on the margin. The testimony continues: Q. Could you see anyone shooting?—A. Saw nothing.

That is far enough to read, I suppose, to count him out. That leaves the number but 20.

Mr. A. Baker was called to the stand. This is his testimony:

Q. Just tell what you know.—A. I heard shooting during the night; don't know exactly what hour.

Q. Was it a pistol or rifle?—A. It sounded like a pistol. I jumped up and my brother came out and asked what it was. We climbed up on a tank and looked over into the fort. The shooting commenced. There were four or five shots near the wall. Then they commenced shooting uptown.

Q. Where do you live?—A. Near the old ice plant, in lot 9, block 59, I think.

Q. Did you see the men cross the wall?—A. No.

Q. Do you remember hearing a bugle call?—A. Yes.

Q. Was the firing before or after the bugle call?—A. There were some shots before the bugle call; then the bugle; then more shots; then the bugle call; then more shots. I heard the men run down the stairs, like they were coming to a fire, and some one hollered "Fall in line," and then, "March," and they went uptown.

All are agreed that one of the companies, comprising fifty-odd men, was sent out to patrol the town immediately after the fight.

Q. Did you hear the roll call?—A. Yes; about half an hour after they got back—a half or three-quarters of an hour after the firing ceased and they went back to the post.

Q. From where you were, could you look down in the alley?—A. Yes.

Q. At the time of the firing, or within five minutes after the firing, did you see anyone running through the alley?—A. No.

Q. Were you expecting trouble last night?—A. Yes. Yesterday evening, about 6 o'clock, two soldiers came up to the house and asked if Mr. Baker lived there. Then they said they wanted a big, broad-shouldered fellow, who said he was from Georgia. So we got our arms and guarded our residence.

Q. Do you know of the shot that Mr. Randall spoke of having gone through his room?—A. Yes; I heard it whistle.

Q. Did you notice the flash of any guns toward the fort?—A. No.

Q. If they had had a roll call you could have heard it?—A. Yes; I heard the last one and heard nearly every name called.

Q. Why were you noticing this?—A. After they had the other trouble the officer told him to report to him and that he would have a roll call and get who was out. So I noticed for the roll call this time.

Q. Did you hear the shooting up in town?—A. Yes.

Q. How many shots did you hear?—A. One hundred and fifty, maybe two hundred. It looked like volleys of them were being fired. (Excused.)

He saw nothing. That reduces the number to nineteen.

The next testimony is the following:

Mr. A. C. Moore takes stand. (Proprietor of Miller Hotel.)

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

That is enough to read of his testimony. He goes on to make it more emphatic that he saw nothing, but heard shots fired, as everybody else did. That disposes of three of them, and only eighteen are left.

In giving the list of witnesses I counted Mr. Epolita Martinez as one of the twenty-one. Concerning him, however, there is this statement printed in the testimony:

Mr. Epolita Martinez called to the stand, but as he was called to verify a rumor concerning a soldier's remarks in his (Martinez's) drinking place, which he denied the truth of, his statements are excluded from record.

That disposes of him and leaves seventeen.

Mr. C. S. Canada then testified as follows:

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers—

That is the way they commenced—

If there is anything that would throw any light on the subject we would like to have it.—A. I did not see a single man, that I am sure. My room is up on the third floor. As soon as the shooting began I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men.

So we will dismiss him. There are sixteen of them left.



I next call attention to the testimony of Mr. Starck, who is one of the men who had his house fired into.

Q. Tell what you know.—A. I don't know that I can help you much. About half past 12 last night I was awakened by a volley being fired into my home. One of the shots passed right over our beds, through both our bedroom and my children's bedroom. I saw man running down the street coming this way. He had a rifle in his hand in about this position [motions at shoulder]. I came to the window and saw an object behind the trees at Mr. Turk's and was about to come down on him when I recognized him as one of the policemen.

Q. Were you able to identify any of them as being negroes?—A. No. Q. You only saw one man?—A. Yes; but there were more than one, for there was a volley.

Q. How many shots did you hear before and after?—A. I could not say exactly—fifty or a hundred. I heard a lot of shooting after the bugle call at the post.

Q. When were the shots?—A. Just after the bugle call. The first shooting was after the bugle call.

So he saw nothing. We now have only fifteen.

Mr. C. C. Madison took the stand. He was asked:

Q. We are here for the purpose of obtaining information touching what happened last night. Tell us everything you know about it. Who you saw shoot, if anybody.—A. We (Mr. Madison was accompanied by another tinner and could not be induced to converse in anything but the first person plural) did not see anything. The shooting took place 10 or 15 feet from where we were sleeping.

So that reduces it to fourteen.

Doctor Thorne is the next:

Tell the committee what you know.—A. I know nothing except what I heard.

So I will pass him by. That cuts it down to thirteen. I will read next the testimony of Guy Rentfro:

Was at Creager's house on Monday night last, and heard some voices: shortly after heard the words "There he goes," and after that—about fifteen or twenty minutes after—I heard some more shots. Did not hear any conversation. That was Monday night last. I know Mike Hamilton. He is a colored man. Saw him going in direction of Tillman's house, near last street of garrison wall. Have not seen him since. Three or four guards are stationed inside firing line. Was still going in direction of garrison when last saw him. That's all.

He saw nothing. That cuts the number down to twelve.

Celedonio Garza's testimony is next:

Yes, sir; I am sheriff of this county. On Monday last I came into town, and was advised that soldiers had broken out of the post. After the shooting I came out to see what was the matter.

He saw nothing. I have read enough to show that. That is the only purpose in reading it. That cuts the number down to eleven.

The next is F. M. McCampbell's testimony:

I was on my way to the house on the night of the 13th, when we met some soldiers, and they turned the guns on us and asked us, "What are you sons of bitches hunting for?" I think it was a whole company. I did not see any white officer with them. I just saw the ranks of the soldiers. They went in the direction of town, and "we care very little if we shoot you full of holes," they said. Mr. Fielder was going to the hotel. I did not see any firing. I don't think there was a commissioned officer with the soldiers. That's all, about, I know. This happened right about behind the market. There must have been about fifty or sixty men in the company. Mr. Fielder was with me going to the Rio Grande Hotel at that time. That's all.

He testifies he saw no firing and that the troops he saw were fifty or sixty in number, which was undoubtedly the company with which Captain Lyon, under the order of Major Penrose, patrolled the town. That cuts the number down to ten.

Next is the testimony of M. G. Dalling:

I am a State ranger. I have come into the possession of some information this morning, which I got from this soda-water man, who sells soda water. He told me that this soda-water man had been told by a saloon man who keeps a saloon in the edge of the town that some shooting had been done last night, and that Company C could have taken the whole town if they had wanted to, and that they could take the whole damn State.

That cuts it down to nine. Then there is the testimony of G. W. H. Rucker:

About Monday night last, about half-past 8, I took two cases of soda water to saloon near edge of town. There were about thirty or forty negroes inside, gambling, as near as I can ascertain about the crowd, and I heard three or four negroes making threats that they would die and go to heaven before they would go back into post, but do not know what the conversation was about. Yes; I know if I would see this soldier again I would recognize him. I could pick him out of a crowd. He was a soldier. Yesterday morning I passed this negro saloon, but nobody was there. About 12 o'clock, it must have been, as I was picking up empty cases, I went to this saloon, and the proprietor told me that he did not need any "pop," as the boys had been having a little trouble with the citizens, and they were all in the post. He is working for two soldiers who are in the post, who own the saloon. He said that if a gun had been fired last night that Company C could have come out without any orders, and would run every man out of town; that this Company C could whip the whole State of Texas.

So he saw nothing.

That cuts the number down to eight. In other words, instead of "scores of eyewitnesses" who have testified to this transaction, there are only eight men at most; for nobody will pretend that there are any other witnesses than those to whom I now call attention; nobody will pretend that there is any other witness, sworn or unsworn, who pretended as an eyewitness to detail what occurred. "Scores" would mean at least forty.

Therefore I say the President has been imposed upon. He has seen fit to point out with a great deal of particularity, as it seemed to me under the circumstances, that Major Blocksom, who reported this testimony to him, is from Ohio, and he points out that Major Blocksom has made a most careful report, and that Major Blocksom has reported the testimony of these scores of eyewitnesses.

Mr. President, I have not in this case commented on individuals. I have not said anything about General Garlington being a southern man, born in the South, born in South Carolina, I believe, and appointed from Georgia. I have assumed that he is a good officer and an honorable man. I have said nothing about Major Blocksom, but it seems to me he is intruded into this case by the President in a very prominent way as from Ohio, and that his report should be strengthened thereby; and we are told that it was Major Blocksom who got the testimony that fixed the guilt by scores of eyewitnesses. I will presently speak of the testimony of the eight eyewitnesses, but before I do that I wish to mention something else.

When a matter of this kind comes up, you do not generally have to ask for information. It is astonishing how kind people are. They send you information. My mail has borne to me a great deal. Among others that have come to me is the following. It comes from a most reputable, a most honored man in the State of Ohio, a man of the highest character, who has known Major Blocksom all his life. I am going to read you what he says about him. Major Blocksom, I take great pleasure in saying, because he is from my State, is a good officer, but I want to say preliminarily to reading this that if there is a man from Ohio in the Army who, unfortunately, beyond any other, was unfitted for this special work, it was Major Blocksom. He is not aware of it, I imagine. Unconsciously he is the victim of early influences. Men are sometimes insensibly influenced. I think he was in this case. Here is what was written to me:

Major Blocksom was born and reared in Zanesville, Ohio. His father, Augustus P. Blocksom, was a prominent attorney there. I knew him well. He was an active and radical Democratic politician, and was entirely consistent in his views, with all the old war Democratic ideas, and never lost an opportunity to express these views in public. He was somewhat of an orator and could always find an interested audience among his Democratic hearers of the Vallandigham type. This is the kind of milk his son was fed upon.

I do not know how many of my colleagues here know just what a Vallandigham copperhead Democrat of Ohio was, but if there was a man in all this broad land who had an antipathy beyond another to a negro in that civil-war time it was that kind of a man. Everybody knows that. Sometime I may, or if I had more time I might now, say more on that subject. But it is not necessary. But this officer was the son of that kind of a father, and had in his youth that kind of political affiliation and that kind of political atmosphere. It is natural that he should inherit that prejudice and carry it with him and be insensibly influenced by it in the discharge of this very delicate duty. I think anybody could see, by simply reading his report, there was some kind of a screw loose with him.

Let me call attention to his report. I did not bring him into this case. The President has called attention to the fact that this officer comes from Ohio, and so he does; he was appointed to the academy on the recommendation of a very able and accomplished Democratic Congressman who represented that district at the time—back in 1872. Here is Major Blocksom's report:

BROWNSVILLE, TEX., August 29, 1906.

Here is the first line, the first jump out of the box:

I have the honor to report investigation of trouble caused by soldiers of Twenty-fifth Infantry.

Then he proceeded. Before he gets through he has occasion to speak of a number of people. One man who seems to have won his admiration and excited it unduly was a Captain McDonald, who is described as a captain of Texas Rangers, whatever they may be, and he pays him this high compliment. Now, Mr. President, think of this going into an official report:

I believe he—

Judge Welch—

threatened McDonald with arrest for contempt before the latter gave them up—

That is, the prisoners who were in his charge—

It is possible McDonald might have fought the entire battalion with his four or five rangers were their obedience as blind as his obstinacy. It is said here he is so brave he would not hesitate to "charge hell with one bucket of water."

[Laughter.]

Then immediately he says:

I met many sterling people in Brownsville.

Captain McDonald is, I suppose, a sterling man.

Mr. SPOONER. What?

Mr. FORAKER. S-t-e-r-i-l-i-z-i-n-g. Captain McDonald is one of them. Like Ben Adhem, his "name led all the rest."

He then concludes, this man from Ohio:

It must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be.

What has that got to do with the shooting at Brownsville? Nothing, and I pass it over. I mention it only to show his animus. I speak of it because when the President intrudes the character of Major Blocksom into this discussion I feel like it is due to the Senate to know who it is from Ohio who made this report, who went down to Brownsville and examined these witnesses, gathered up these unsworn, loose, conflicting, disjointed, and contradictory statements, which we are told amount to conclusive evidence of the guilt of these men of the most heinous crime ever committed by soldiers of the United States Army.

I might point out other things, but I have pointed out enough to show that Major Blocksom has not forgotten his early political affiliations, has not gotten entirely away from the influence of the political atmosphere he breathed in the days of his youth at Zanesville, Ohio. Well, that is enough for him.

So far as General Garlington is concerned I have not, just now, a word to say about him as a man. I do not know him. I have no disposition to criticize him or anybody else, but I do feel that it is my duty to present these facts to the Senate. We are not a lot of young men on a frolic. This is serious business. I am not talking here because of the hardship which has been caused a few men, but because it embraces a great broad principle of constitutional law and constitutional liberty. It is a precedent, if it should be established, that will apply to white men as well as to black men, that will apply to the whole country.

I intended to go into detail over the testimony of the eight witnesses, but in view of the lateness of the hour and of the engagements which I am told are pressing some of the Senators, I will pass it over with the single remark that the testimony of these eight witnesses, to any man who knows how to examine testimony and weigh it and analyze it and determine the effectiveness of it and attach to it proper weight, will be utterly unsatisfactory and insufficient to find these men guilty of the great crime with which they stand charged. And it is because these men have been convicted of this gross crime on such unsatisfactory testimony that I want the Committee on Military Affairs to be empowered to send for these people—these eight, if you please, or any others anybody can produce—and have them where they can be examined, where they can be sworn, where they will know that they are testifying under the responsibility of their oaths, and where questions can be asked. Now, Mr. President, so much for that.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. Certainly. I am not through, however.

Mr. KNOX. I merely want to ask one question for my own information.

Mr. FORAKER. I yield.

Mr. KNOX. I wish to inquire of the Senator from Ohio if he plants himself upon the proposition that there is no evidence whatever, or that there was none before the President at the time this order was made, except such as was elicited by Major Blocksom and attached to his report?

Mr. FORAKER. I plant myself upon the proposition stated by the President, that the testimony submitted by Major Blocksom was the testimony of scores of eyewitnesses, by whose statements it was conclusively established that these men were guilty of this crime. I say, on the contrary, with all due respect to everybody, that the testimony of these eight witnesses is not sufficient of itself. The President may have had other information given to him by these inspectors. That is another matter. I will come to that later.

Mr. KNOX. All I want to know, if the Senator will permit me to supplement my question, is whether there is any necessity for searching elsewhere for the eyewitnesses to this affray than in the testimony elicited by Major Blocksom and attached to his report.

Mr. FORAKER. I will answer that when we get authority to examine witnesses. I think I can produce some testimony which will throw some important light on this transaction. I do not hesitate to say that I promise the Senate to give them some additional testimony. I think I know what I am talking about and that I am not a boy going to a frolic. This is not a case to be disposed of upon broad, unqualified, and extravagant

statements. It is a question, on the one hand, of power and, on the other, a question of facts to be established by testimony taken in a proper way. But I am not yet through.

Now, the testimony, in so far as any testimony of witnesses may be concerned, is that to which I have called attention—that of eight witnesses. You will find, when you read their testimony—

Mr. KNOX. I want to know if that is the testimony upon which the order is based?

Mr. FORAKER. I say it is the testimony to which the President has called our attention. Let me read the language of the President. He does not tell us of any other testimony. He makes an argument that it could not have been done by citizens, because they fired into the houses; that it could not have been done by citizens, because there were found empty cartridge shells and clips. Is it not important, in view of the testimony which is to be found in this record, that we should know the truth about that? What other witnesses there may have been I do not know, but the President says—and in view of the question propounded to me by the Senator from Pennsylvania I will call attention again to what I have been commenting upon. The President says:

Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses.

Did Major Blocksom take any testimony that the President withheld from Congress? If so, will the Senator from Pennsylvania name it? I called for it all.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. Certainly.

Mr. KNOX. The Senator from Ohio totally misapprehends the purpose of my question. I am not undertaking to antagonize anything he has stated, nor am I foreshadowing any view I may entertain about this testimony. All I want to know is whether I understand the Senator correctly when he says that this case is to be judged solely, so far as it is now before the Senate, upon the testimony of the twenty-one witnesses referred to, of whom eight alone, he says, had any observation of the transaction which occurred.

Mr. FORAKER. I did not mean to impute to the Senator antagonism to me. I did not know whether he was opposed or otherwise—

Mr. KNOX. I am trying to get information.

Mr. FORAKER. The Senator wanted full information, and that is what I am trying to get and that is what I have been insisting upon. What I have been discussing and what I have been insisting upon is that the President's statement that this was a carefully prepared report of Major Blocksom, based upon the testimony of scores of eyewitnesses, was not borne out by the record that the President has sent us. If he has any other testimony, it has not come to us. We called for all of it. I assume it is all. If so, there are eight witnesses instead of scores who can be said to have tried to testify that they saw something.

Mr. President, opposed to that is the testimony of whom? The testimony of the noncommissioned officers—those who were on guard and those who were in charge of quarters and as such in charge of the gun racks—and the testimony of the commissioned officers; and without stopping to read it, for it is voluminous, I will ask the Senate to give me the privilege to incorporate in the RECORD some eight or ten affidavits. It is all in affidavit form. If there is no objection, I should like to do that. If there is objection, I will read it.

The VICE-PRESIDENT. If there is no objection, permission is granted.

The matter referred to is as follows:

A".

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, State of Texas, ss:

Personally appeared before me, the undersigned authority, Sergt. George Jackson, Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was in charge of the company quarters of Company B, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

"The company was on a practice march on the morning of the 13th and returned to the post between 10 and 11 o'clock, when the rifles of the company were returned to the racks to allow six men of the company to get their rifles to go on guard. I then locked the racks again, and there were in the racks forty-six rifles, which, with the six in the hands of the men on guard, made fifty-two rifles, for which I was accountable. The racks were not again opened until call to arms sounded, soon after midnight on the morning of the 14th, when I opened them myself.

"I was not away from the quarters at any time during the time the racks were closed, about 10 o'clock on the morning of the 13th, until they were opened when call to arms sounded on the morning of the 14th, nor were the keys to the racks ever out of my possession.



"I made check roll call of the company at 11 p. m., on the night of the 13th, and all men were present.

"GEORGE JACKSON,

"Sergeant, Company B, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

B".

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, State of Texas, ss:

Personally appeared before me, the undersigned authority, Sergt. Darby W. O. Brawner, Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was in charge of the company quarters of Company C, Twenty-fifth Infantry, on the 13th and 14th of August, 1906. I locked the arm racks in the company quarters between 10 and 11 o'clock a. m. August 13. There were 53 in the racks, which, with the 4 rifles in the hands of the members of the guard, made up to the total number issued to the men of Company C; that is, 57 rifles in all. The keys of the arm racks were constantly in my possession. The arm racks were not opened until about 12.15 a. m., August 14, 1906, for any reason except that about 2.30 o'clock p. m. August 13, 1906, one rack was opened for a moment to allow the supernumerary of the guard to get his rifle in order to take the place of a member of the guard who was taken sick, and whose rifle was at the same time placed in this arm rack.

"About 12.15 a. m., August 14, 1906, I was awakened by a corporal of the company, who told me that shooting had been going on and that call to arms had been sounded, and to get up and open the arm racks. I went down to the first sergeant and asked him what I should do, whether I should open the arm racks, and he said, 'Wait for orders.' Corporal Madison, whom I met as I was returning to the squad room, told me orders of the commanding officer were to open the arm racks. I then opened three racks, the fourth having been broken open by the men trying to get their rifles from the racks to fall in when call to arms sounded.

"DARBY W. O. BRAWNER,

"Sergeant, Company C, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

C".

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, State of Texas:

Personally appeared before me, the undersigned authority, Corpl. David Powell, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was in charge of quarters of Company D, Twenty-fifth Infantry, on the 13th and 14th of August, 1906.

"Company D, Twenty-fifth Infantry, was on a practice march on the morning of the 13th and returned to the post about 9.30 a. m. when the rifles were placed in the gun racks and the racks locked by me. At about 10 a. m. the racks were opened to allow five men of the guard to get their rifles and were again locked by me. There were in the racks then fifty-two rifles and five in the hands of the men of the company on guard, making a total of fifty-seven rifles in all for which I was accountable.

"I did not leave the quarters at any time during the day or night. The keys to the arm racks were in my personal possession the entire time, and the racks were not opened for any purpose whatever from about 10 a. m. [until] after midnight on the 14th, when I unlocked the racks myself.

"I took check roll call at 11 p. m. on the 13th, and all the men of the company were present or accounted for.

"DAVID POWELL,

"Corporal, Company D, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

D".

FORT BROWN, TEX., August 14, 1906.

FORT BROWN, State of Texas:

Personally appeared before me, the undersigned authority, Private J. H. Howard, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was a member of the post guard on the night of the 13th and 14th of August, 1906. I was posted as a sentinel on post No. 2, which extends around the barracks, keeping the buildings on my left, at 10.30 p. m., August 13. At about 12.10 on the morning of the 14th, when between C and B Company barracks, I heard a single shot, then five or six, and then a regular fusillade. The shots seemed to come from the street in the rear of the brick wall back of B Company's barracks. I thought they were shooting at me, and I looked in the direction of the sounds to me if I could see anybody, but I could not, and I then went to the front of the barracks and gave the alarm, by firing my piece three times and calling for the guard. I did not see anybody at all but the post scavenger, who was at the sinks in the rear of B Company's barracks. As soon as the shooting commenced he drove away with his cart.

"JOSEPH H. HOWARD,

"Private, Company D, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

E".

FORT BROWN, State of Texas:

Personally appeared before me, the undersigned authority, one Matias G. Tamayo, scavenger at Fort Brown, Tex., who being duly sworn according to law, deposes and says:

"That at about 12.10 a. m. on the morning of August 14, 1906, he was in rear of the quarters occupied by Company B, Twenty-fifth Infantry; that about this time a shot was fired by some person unknown in the street just outside the wall dividing the military reservation from

the town of Brownsville, Tex.; that he could hear the bullet and that it appeared to be going in the direction of the Rio Grande River, about parallel to the above-mentioned wall; that immediately following this one shot, a number of other shots were fired, all outside the wall.

"Dependent further says that previous to the shooting he saw no soldiers anywhere in rear of the quarters occupied by the companies of the Twenty-fifth Infantry, and heard no talking or news of any kind; and that he saw and heard no shot or shots from any of the company barracks.

"MATIAS G. TAMAYO,

"Scavenger, Fort Brown, Tex."

Sworn to and subscribed before me this 14th day of August, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Summary Court.

F".

FORT BROWN, TEX., August 23, 1906.

Sergt. J. R. Reid, Company B, Twenty-fifth Infantry, stated to me that he did not have the call to arms sounded (he was sergeant of the guard on the night of the 13th of August) until the shots came so fast that he thought post was attacked. He stated also that he formed the guard before having the call sounded.

A. P. BLOCKSON,

Major, Inspector-General.

Mr. FORAKER. Now, opposed to the testimony of these eight is this testimony, taken in the form of affidavits, but taken before the summary court, Captain Lyon, who, I am told, is one of the best officers in the United States Army, a man of the highest character, a man who would not send to the President of the United States an affidavit that was given by one whom he thought was an untruthful man. The very fact that the testimony was taken before Captain Lyon is a guaranty that it was properly taken, that these men told the truth as they understood it.

According to this testimony the firing commenced about midnight. The sentry says it commenced outside the walls of the garrison. He immediately ran to a point near the barracks, and, to give the alarm, fired his own piece three times in the air. One of these eight witnesses testifies that he ran and looked out of his window and saw somebody inside the wall shooting up into the air. He saw the sentry, no doubt. He then ran back into his house, put out the light, and pulled down the blinds, so he would not get hurt. That is one of the eight on whose testimony these men are convicted of these heinous crimes.

They all testify that immediately after there turned out to be a continuance of the firing, the sergeant of the guard ordered the guard to fall in, and sent messages to the commanding officer to awaken him; and when the firing continued he ordered a call to arms to be sounded upon the bugle, and it was sounded, and immediately the whole post was aroused. Men jumped up out of their bunks and came down at midnight into the barracks room, dressing as rapidly as they could, some of them half dressed when they took their places in line; rushed to the gun racks, as told to do, to get their pieces, and every gun rack was found to be locked just as it had been locked the day before, except only one; and, in fact, that was found locked, too. But there has been a good deal made of the fact that it was broken open. A lieutenant, acting under the direct order of Major Penrose, to avoid the delay of waiting for the sergeant to get there with his key, ordered the gun rack to be broken open and the arms taken out, and that was done.

The men immediately fell into line, and before the firing ceased they formed their lines and the sergeants commenced the call of the roll, and when the call of the roll was commenced every commissioned officer was there, except only the officer of the day, who had been on duty and had gone to sleep and was sleeping so soundly that he could not be disturbed by a little thing like a raid. When the roll was called every man answered to his name and every gun was found in the gun racks. Every gun was handed out to the man to whom it belonged and every man was there. Oh, but we are told that while that is true—that while it turned out that when the roll was called they were all there, that all did answer and had their guns, yet the men who had jumped over the wall, fifteen or twenty of them, and gone down town, two or three blocks away, doing the firing, when it stopped rushed back to quarters, rejoined their commands, took their places in the ranks, answered to their names, and exhibited their guns and showed that every man was there.

Consider this a moment. Not only the noncommissioned officers, whose duty it was to place the men in proper ranks, but the commissioned officers were present at the roll call; and at that time every commissioned officer of the command was alert. They all testify they thought the garrison was being attacked and they were looking for trouble to come over the wall toward them. Does any man believe that fifteen or twenty men, who had been off engaged in an excitement of that character, shooting up the town, trying to murder people, rushing back under such circumstances, could get into camp, could join their com-

mands, in the very presence of the noncommissioned officers and the commissioned officers also, and avoid being detected in doing so?

I think I read in the message of the President of yesterday about something being absurd. It does not make a thing absurd to say it is, but it does seem to me that I may be pardoned if I say that this statement is utterly absurd. No such thing could happen. If so, every commissioned officer of that company ought to be dismissed from service just as soon as he can be court-martialed. I would not dismiss him without a court-martial.

So it is, I say, to make a long story short and hurry away from this, there is not, as the President understands—and he does so understand it or he would not say it—any conclusive testimony to show that the men of this regiment committed this offense.

But the President said not only is the testimony conclusive so that no doubt can exist as to the guilt of certain of the men, whoever they may be, as to the raid, but that the testimony is equally conclusive to show that there is a conspiracy of silence entered into by all these men. Now, let me call the attention of Senators to the facts.

I have already commented on the facts, as the President has, that he bases what he says, as he must of necessity, upon what is reported to him by the inspectors whom he sent there and in whom he has entire confidence. He says Major Blocksom went down to elicit the proof of the guilt, and secured that and came away. Then he determined that he would muster these men out if they did not tell on one another, for he was satisfied, not from evidence but from deduction, that they were guilty. So then he sent General Garlington, the Inspector of the Army, down to Fort Reno with instructions to advise the men that unless they came forward and testified to the facts within their knowledge, whereby their comrades could be convicted, they would all be mustered out without honor.

Now, General Garlington made a report upon that. It was his purpose to find out whether or not there was this conspiracy. The President says there was, and the President says therefore he can not go amiss in dismissing these men from the Army; that is the only way that the good name of the Army can be protected; the only way that discipline can be maintained.

Now, hear what General Garlington says on the subject of a silent conspiracy:

The uniform denial on the part of the enlisted men concerning the "barrack talk" in regard to these acts of hostility upon the part of certain citizens of Brownsville indicated a possible general understanding among the enlisted men of this battalion as to the position they would take in the premises, but I could find no evidence of such understanding.

He could not find any evidence. There is the officer of the Army, the Inspector-General, sent there for the express purpose of finding out whether or not testimony could be obtained to convict the men of that battalion, if there were any, who committed this crime, and he reports to the President that he made a labored and long-continued effort, advising the men of the penalty, the "extreme penalty," to use his own language, that would be imposed upon them if they failed to give him full information, and they gave him no information. They persisted, one and all, in saying: "I know nothing about it." In heaven's name, if a man is absolutely innocent, as these men claim to be, what else could he say? How otherwise could he prove his innocence? And that is now the new requirement.

So General Garlington, instead of reporting to the President that there is testimony which conclusively shows a conspiracy of silence to suppress testimony, reported to the President the very opposite, that there is no testimony whatever. That is what General Garlington says, and yet the President tells us in his message it is conclusively established not only that these men shot up the town, killing one man and wounding another, but also conclusively established that they have agreed that they have become conspirators to commit another crime, misprision of felony, punishable with three years in the penitentiary.

Then, on the top of that, every last one of them has gone before a duly constituted officer, the summary court, or a notary, and made affidavit that he has had no knowledge, and that affidavit we must believe is false, is perjury. Perjury, misprision of felony, and murder are all branded upon the foreheads of these men as they are turned loose upon the world in their old days, after twenty-odd years for many of them, after twenty-six years for one of them, to go up and down through this land they have done so much to serve, so much to protect, as disgraced and degraded men where they were before honored. And this not punishment!

Now, Mr. President, I want to say in conclusion what must be manifest to every member of the Senate, that it has been at a very great disadvantage I have undertaken to speak here this

morning without having had an opportunity to examine these exhibits, except in the partial way I have, that the President attached to his message.

But, Mr. President, I was impelled to do it because I think the President has been imposed on as to the facts, and I believe he is big enough man, just enough man, when he knows the facts, to undo, so far as he can, the wrong which, in my judgment, has been committed, and, in so far as he may not have the power, to call upon us to exercise our power to help him undo what I think is an injustice that no language can adequately describe.

Now, the President said some other things, one about Ohio, in which he cited some precedents. Will some Senator who has the document before him show me the precedents that the Judge-Advocate-General cites?

Mr. LODGE. I have it here.

Mr. FORAKER. The President says, in so many words, that for his action there are "plenty of precedents." I want the Judge-Advocate-General's report.

Mr. LODGE. The precedents are on pages 311 and 312. General Ainsworth, The Military Secretary, furnished them.

Mr. FORAKER. I will come to that in a minute. The President says there are plenty of precedents. Well, Mr. President, I do not know where he gets that information. He does not send anything from the Judge-Advocate-General to show that he had the support of that law officer of the Army in his contention that his constitutional power is sufficient to authorize him to make this dismissal, nor does he send anything from the Judge-Advocate-General that warrants the statement that there are plenty of precedents for what he has done. What is it that The Military Secretary says?

I read as follows:

The Secretary to the President, in a letter dated December 1, 1906, advises the Secretary of War that the President would like to have him "look up any precedents (Lee's or others) for the action taken in discharging the battalion of the Twenty-fifth Infantry, and if there exist any such, send them to the President."

The Military Secretary, proceeding, says:

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

The case referred to as "Lee's" by the Secretary to the President is undoubtedly the case of Company G, Eighth Infantry, concerning which an interview with Mr. J. C. Hesse was recently published in the Washington Post. In that interview it was stated that, by order of Lieut. Col. Robert E. Lee, the members of Company G were transferred to other companies of the same regiment and prohibited from reenlisting on the expiration of the terms of enlistment under which they were then serving. A search for papers containing details of the occurrence has resulted in failure to find them, the original papers having been returned in 1860 to the Department of Texas, where they were undoubtedly lost or destroyed at the time of the surrender of the troops in that department to the Confederate military authorities.

The records show, however, that on March 18, 1860, members of Company G, Eighth Infantry, at Fort Davis, Tex., took from the guardhouse a citizen who was confined there and, without opposition from the guard, hanged him to a tree near by until he was dead. The records also show that by order of the regimental commander 27 men of this company were detached from the company and attached to other companies of the regiment, "to restore their discipline," and that 12 other men of the company were transferred to other companies by order of the regimental commander without the cause of transfer being stated. The regimental orders are not on file, and it is impossible to state whether the reenlistment of these transferred men was or was not prohibited; but as the records show that some of the transferred men did reenlist, it is evident that if an order prohibiting their reenlistment was given it was not carried into effect.

In view of the foregoing statement it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

In the volunteer service during the civil war there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part. Following are some of those instances:

Then he goes on with a list which I will not weary the Senate to read, but I will incorporate it all in the RECORD, and I pass it by with the single comment that Senators will study in vain to find any precedent connected with the United States Army. The nearest approach to it is a precedent given by General Lee in discharging a regiment of Confederate soldiers. What his power may have been, as I have said, I do not undertake to say. It is not necessary to discuss that. But there is no precedent in either the Volunteer or the Regular service for what the President has done here, certainly none so far as we have been advised, and therefore I say again somebody imposed on him when the President was led to say that there are plenty of precedents for what he has done here. I say there are no precedents.

The matter referred to is as follows:

The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps because they refused to serve in Virginia.



The members of Company K, First Eastern Shore Maryland Infantry Volunteers, were dishonorably discharged, without trial, July 2, 1863, pursuant to the order of the general commanding the Eighth Army Corps, subject to the approval of the Secretary of War, for refusing to leave the section of the State in which it was claimed that they had enlisted to serve. The action was approved by the Secretary of War July 23, 1863.

The First Regiment, United States Reserve Corps (Missouri Infantry), was mustered out of service during September and October, 1862, pursuant to orders of the War Department, on account of the regiment being in a state bordering closely on mutiny as a result of alleged misunderstanding as to the terms of enlistment.

Companies H, I, and K, Fifth Missouri Cavalry, and Company G, Fourth Missouri Cavalry, were mustered out of the service of the United States without trial by court-martial, in pursuance of orders from headquarters District of Missouri, dated September 20, 1862, by reason of mutinous conduct and disaffection of the majority of the members of those companies.

Company C, Fremont Body Guard, was summarily discharged by order of Major-General Halleck, November 30, 1861, on account of the members refusing to be consolidated with any other organization of Missouri volunteers.

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial, April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

The Eleventh Regiment New York Infantry Volunteers (First Fire Zouaves), was mustered out of service June 2, 1862, pursuant to orders from the War Department, by reason of general demoralization, numerous desertions, and at the request of officers and enlisted men of the organization.

The Sixtieth Regiment Ohio Infantry Volunteers was summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was "disorganized, mutinous, and worthless."

Mr. FORAKER. But whatever precedents there may have been in the case of General Grant or of General Lee or of any other general in the field commanding during a time of war would not apply in time of peace. What may have been done during the civil war would not apply, not only because it was done during a time of war, but because it was done before the Articles of War, in the form in which I have read them and commented on them, were placed in the statutes of the United States. Since these Articles of War were framed and enacted, as they are to-day, no man can be convicted of an offense without first having a chance before a court-martial to make his defense, to face his accusers, and cross-examine the witnesses, who seek to disgrace him before the world.

But now one of these precedents cited is the Sixtieth Ohio. Here comes Ohio again:

The Sixtieth Regiment, Ohio Infantry Volunteers, were summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was "disorganized, mutinous, and worthless."

Mr. President, it was with very great surprise and with very great pain I read that statement in the President's message of yesterday. I know something about the Sixtieth Ohio. I tried to enlist in it, but I was too young. I was only 15 years old, and they would not let me go. That was the first year of the war. The second year, when they were not so particular and when I was 16, I managed to get in; and I was not as much pleased with it after I got in as I thought I would be, but I stayed there until the end.

The Sixtieth Ohio was a one year's regiment. It was raised chiefly in Highland and adjoining counties. The colonel of it was William H. Trimble, of Hillsboro, a man whom I knew as intimately as a boy could know a man of full age and full of the affairs of the world. A more courtly gentleman, a more patriotic man, a more lovable man never volunteered as a soldier to defend the flag of this country.

He was related to Senator Trimble, who represented the State in this body after he had been a soldier and had been wounded at Fort Meigs, fighting the Indians in the war of 1812. He came here and died here, and his body rests now in the Congressional Cemetery. No name in our State is more honored than that of Trimble. It is the first time in the history of our State that anybody by the name of Trimble has ever been criticised for failure to adequately and fittingly and faithfully and heroically discharge any duty he assumed.

I lived in Highland County at that time. It must be that the records show this discharge, but if the records do show it I can only plead that I never heard of it before.

The VICE-PRESIDENT. Will the Senator from Ohio suspend a moment while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary?

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. FORAKER. I am much obliged to the Senator from Wisconsin for his courtesy in allowing me to proceed at this time.

I send to the desk and ask that the Secretary may read from "Ohio in the War," by Whitelaw Reid, what he says about the Sixtieth Ohio, the one year's regiment referred to.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Ohio.

The Secretary read as follows:

#### SIXTIETH OHIO VOLUNTEER INFANTRY—ONE-YEAR REGIMENT.

There were two regiments of this number—the first raised for a term of one year and the second for three years. The one now under consideration is that raised for the one-year term. It was recruited in Highland, Fayette, Ross, Clark, Brown, Clermont, Adams, Gallia, and Noble counties by Col. William Trimble, and was intended specially for the defense of the border counties of Ohio.

The regiment being ready for the field was ordered, on the 8th of February, 1862, to Gallipolis to guard military stores, and during the three months it was on duty at this point paid such special attention to drill and discipline as to eminently fit it for field service. On the 25th of February, 1862, the regiment was fully mustered into the United States service and sent to the field on the 27th of April, 1862. It joined General Fremont's forces at New Creek, in western Virginia, about that time.

The Sixtieth was placed in a brigade with the Eighth Virginia Infantry, and with Fremont's forces marched to McDowell to the relief of Schenck's and Milroy's troops, then threatened by the enemy at that point. The march was a forced one, and from the discretion of the commanding officer of the brigade, Colonel Cluseret, a French officer, many men of the Sixtieth and other regiments were totally disabled from further service for months. The enemy was met, after many skirmishes, near Strasburg, and a brisk engagement ensued. In this affair the Sixtieth Ohio behaved like veterans and won reputation.

The march up the Shenandoah Valley, in pursuit of Jackson, was one of the most terrible ever endured by men; yet the brave soldiers of the Sixtieth and other regiments bore it without a murmur. At Port Republic the enemy was again overtaken and engaged. The Sixtieth Ohio once more displayed its good discipline and fine fighting qualities. Ashby's rebel cavalry figured in this battle and was almost directly opposed by the Sixtieth Ohio. Ashby was killed, confusion ensued in the rebel ranks, and in a few minutes all signs of the enemy disappeared.

The pursuit was continued, with more or less skirmishing, and occasionally a determined stand by the enemy. At Cross Keys the rebel general, Stonewall Jackson, made overtures for battle. He was at once resolutely met by General Fremont's army, and after a fierce engagement lasting some hours both parties withdrew. The battle commenced at an early hour in the morning and lasted until 4 o'clock p. m. It was a well-contested affair, in which both the national and rebel troops displayed the most determined bravery. The Sixtieth Ohio was highly complimented on the field for its firmness and coolness under fire. Its loss in men killed and wounded was severe.

Early on the morning of the 9th of June the Sixtieth and Eighth Virginia, forming an extended skirmish line, swept over the battlefield of the previous day, but without encountering the enemy. He had fled during the night and escaped across the Shenandoah River near Port Republic, burning the bridge after him. Shields's forces had failed to intercept him. Colonel Carroll's brigade, of Shields's division, did get into position on the opposite side of the river, but after making a gallant fight was overpowered and driven off.

The national forces did not pursue Jackson's rebel army. The morning of the 12th of June found Fremont's army at Mount Jackson, it having fallen back to that position to prevent the rebel army from getting into its rear and endangering its communications. Here, for the first time during the campaign, the officers and men of the Sixtieth slept in tents. At this point the Sixtieth Ohio and Eighth Virginia parted, the Thirty-second Ohio taking the place of the Eighth Virginia. Both of the last-named regiments were assigned to General Platt's brigade and made part of General Schenck's division.

The national army moved from Mount Jackson on the 19th of June and reached Strasburg on the 22d. The illness of General Platt placed Colonel Trimble, of the Sixtieth, in command of the brigade. Leaving General Milroy's brigade at Strasburg, General Fremont moved to Middletown on the 24th, at which point the army, with the exception of Platt's brigade, remained until July 8. At this point General Fremont and staff left the army, leaving it in command of General Schenck until General Sigel, the successor of Fremont, should report.

The national forces moved from Middletown on the 8th of July, by Front Royal, to join General Pope, leaving a large amount of military stores in and around Middletown guarded by a force of infantry, cavalry, and artillery. While lying at this place news was received that the rebel General Jackson had again penetrated into the Shenandoah Valley with 5,000 cavalry and was menacing Winchester. Colonel Trimble, of the Sixtieth, was ordered to take a force from his regiment and assume command on reaching other national forces near Strasburg, the point where Jackson was maneuvering. Two hundred and fifty volunteers were selected from the Sixtieth, many of the line officers serving as privates. Thirty mule teams were taken with the expedition for the purpose of expediting the movement and transporting supplies. Middletown was reached before daylight. The enemy still threatening this point, all the Government stores were removed from Front Royal and the national forces marched into Winchester.

Winchester was held until the night of the 2d of September, when it was evacuated by order of the War Department, the defeat of the Army of the Potomac, under General Pope, rendering the move necessary. The Sixtieth Ohio led the column on the night march from Winchester, reaching Harpers Ferry on the 3d of September. General White was ordered by Major-General Wool to Martinsburg, and his Winchester command was added to that of Colonel Miles at Harpers Ferry. Then came the disaster to the national forces at Harpers Ferry. It would be useless to go into a detailed statement of that affair. The Sixtieth Ohio, under command of Colonel Trimble, resisted successfully the attack of Gen. A. P. Hill's rebel division on the left flank in an infantry and artillery engagement lasting from 3 o'clock p. m. on Sunday, September 14, until after dark. It endured, with the balance of Colonel Trimble's command, on the morning of the 15th, till near 9 o'clock, the concentrated fire of over fifty guns, which enfiladed the position, making a dangerous cross-fire over every portion of the command. The anxiety of the rebels to silence Rigby's battery, supported on the right by the Sixtieth, caused a continuous front, flank, and rear fire upon this point. The Sixtieth Ohio remained firm under this severe



fire, protected only by a slight breastwork thrown up hastily on Sunday morning. The enemy, though constantly feeling for the regiment, failed to get its range until near the time of surrender. If the men had risen to their feet they would have been swept from the ground. The adjutant of the regiment lost his hand by a solid shot early in the engagement. Twelve privates were killed and wounded. None felt more keenly the mortification of surrender than the men of the Sixtieth Ohio.

After the surrender it marched in the same brigade organization to Annapolis. General Tyler, being placed in command of the paroled troops, reorganized them, with several regiments, including the Sixtieth and some artillery companies, under Colonel Trimble. The colonel was, shortly after this, badly crippled by being thrown from his horse and did not join the regiment before its honorable discharge by the Secretary of War, October 10, 1862, at Camp Douglas, Chicago.

Almost immediately after the discharge of the regiment the great majority of its members reenlisted into other organizations for three years and served gallantly until the close of the war, many of them laying down their lives in the cause of their country.

The failure by General White to provide in the capitulation for the free colored servants in the command came near proving disastrous to them. Colonel Trimble's anxiety upon this subject, and a sense of duty to those whose freedom was imperiled by the surrender, caused him to bring the subject to the attention of General Jackson on his entering the lines with his staff. He was told no provision had been made for them. The appeal in their behalf was met in a generous manner. General Jackson informed him that General Hill would remain in command at Harpers Ferry and would have control of such questions, but added: "If you have any difficulty with General Hill you can appeal to me." Thanking him and instructing the servants to keep in close quarters with the regiment and the officers to protect them till his return, he rode to Harpers Ferry and called on General Hill at his headquarters. Waiting patiently till D'Utassy finished discussing a claim for five surplus horses, which General Hill very properly refused to allow, he told the general he, too, had lost horses, but had called to present a matter of much more importance. He had learned from General Jackson that no provision had been made in the capitulation for the free colored servants. There were a number in his regiment who had accompanied it from Ohio, and perhaps others in the command. General Jackson had referred the matter to him.

General Hill said: "As great numbers had fled from the surrounding country to Harpers Ferry, it would be difficult to decide who was free and who was not; he would, therefore, leave it to the colonel's honor, and give him passes for whoever he said was free." Thanking the general for his courtesy and confidence, he returned to camp to communicate the glad tidings to men whose fears for their own safety had been increased by seeing hundreds of men, women, and children, bond and free, driven past, their bowed heads and sad countenances telling the tale of their disappointed hopes. When marching out the next day, he was detained at General Hill's headquarters in getting the passes for thirteen colored men connected with the Sixtieth Ohio by another horse claim of D'Utassy. On reaching the river he found the regiment halted, a rebel guard with crossed bayonets in front, several countrymen and a rebel major on horseback near the lines, and others on foot dragging the colored boys from their positions near the officers. He asked what all this meant. He was told in fierce tones, "He was a d—d nigger thief, stealing their slaves, and his command shouldn't pass until every d—d nigger was taken out." He told them they were free—he had passes for them from General Hill. "They swore they wouldn't regard the order of General Hill in such case." A citizen said: "General Hill's pass ought to be sufficient." The rebel major told him to "Shut his d—d mouth and attend to his own business." The moment for action had come. The quick, sharp, decisive words, "My men are unarmed; I am not. I'll sell my life for these free boys. Unhand them! Guards, give way! Regiments, march!" unlocked the grasp of these manstealers, sent the guards from the front and the regiment forward over the pontoon bridge with quick and steady tread. When safe on the Maryland side of the Potomac, these men, some of whom had families in Ohio, felt like a new birth of freedom had been vouchsafed them, and every officer and soldier sympathized with them in the joy of their deliverance.

The surrender of Harpers Ferry was investigated by an able military commission, of which Maj. Gen. D. Hunter was president. It was very severe in some of its findings, but it reported that no blame attached to Colonel Trimble.

Mr. FORAKER. I now call attention to a record of the Sixtieth Regiment of Ohio Volunteers, as published by the State of Ohio in its roster of Ohio volunteers from the year 1861 to 1866. It appears from this roster, and from other statements that will be in the record, that this regiment was enlisted for one year. I do not know how the order happened to be made that it should be enlisted for a year, but its members were enlisted for only a year. They served faithfully, distinguishing themselves for their bravery and gallantry in every engagement in which they participated down to the last, which was an unfortunate one for them, at Harpers Ferry, where they were under the severest and hottest of the fire and where they displayed a bravery and gallantry for which they were commended in official reports. But they were captured there, along with the whole army, in spite of all this gallant regiment could do. They were paroled and finally exchanged and taken to Chicago to be mustered out. They were kept in camp there until they had served, as the roster will show, most of them, from three to four months longer than their one year's enlistment, and while they were there in camp doing nothing, not permitted to do anything, it seems, from what little I have been able to gather, that there was that kind of lax discipline and some cases of insubordination, such as would lead, perhaps, to their being ordered to be discharged at once. But they were all honorably discharged, and by the summary order, so far as I can gather from its hasty reading, it was summary only in the sense that they were ordered to be mustered out immediately instead of being kept there in the barracks.

The Roster of Ohio Soldiers, 1861-1866, War of the Rebellion, volume 5, Fifty-fourth to Sixty-ninth Regiments Infantry, pages 245-264, is preceded by the following historical notice:

SIXTIETH REGIMENT OHIO VOLUNTEER INFANTRY—ONE YEAR'S SERVICE.

This regiment was organized at Gallipolis, Ohio, February 25 and 28, 1862, to serve one year. It was mustered out of service November 10, 1862, in accordance with orders from the War Department.

The official list of battles in which this regiment bore an honorable part is not yet published by the War Department, but the following list has been compiled after careful research during the preparation of this work: Strasburg, Va., June 1-2, 1862; Harrisonburg, Va., June 6, 1862; Cross Keys, Va., June 8, 1862, and Harpers Ferry, Va., September 15, 1862.

Then follows the roster, and the record goes on to show that almost every man of them immediately enlisted in other regiments and went to the front, and every one of them made a good record as a soldier.

I knew the men of the Sixtieth Ohio. There were no better men in the Union Army. No braver soldiers followed the flag and no more gallant officer ever commanded a regiment than Col. William H. Trimble. I am sorry to hear that there is this kind of a fault in their record. It is the first time I ever heard of it. I was out in the field at the time myself and I did not happen to hear of it, and I never heard of it afterwards. Nobody in Ohio remembers the Sixtieth Ohio except only as a regiment that was gallant and brave and heroic and that won honor and glory for the flag on every field of battle where they were present. I think I shall have to introduce a bill to correct the record.

Now, Mr. President, I do not make any apology for taking the time I have occupied, but rather I apologize that I am not able this morning, owing to my inability, to go carefully through these exhibits and to make a more exhaustive discussion of authorities and to speak at greater length or with more effectiveness.

Mr. SCOTT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. Certainly.

Mr. SCOTT. Then the members of the Sixtieth Ohio were not discharged without honor? If they had been discharged without honor, could they have reenlisted? Three of them were members of my company afterwards, and could they have reenlisted if they had been discharged without honor?

Mr. FORAKER. The Senator found them, I venture to say, gallant soldiers, as brave as any. No, Mr. President, they were not dishonorably discharged nor discharged without honor. I have shown that they were honorably discharged. Such a discharge as "without honor" was never heard of in that day. Men were either honorably or dishonorably discharged. These men were of necessity honorably discharged, or they could not have reenlisted and won applause for their bravery and heroism.

Mr. President, I have said over and over again this is not a question that is confined to these men alone; much less is it a color question. I do not intend here, this morning, to enter upon that, and I hope I will not be provoked to enter upon it at any time in the discussion of this subject that is to follow. But if that question must be presented I think I can show that the Twenty-fifth Regiment, as is the case with every other colored regiment, has a good record for bravery, gallantry, and heroism. Only this morning an officer of the Army who served on the frontier told me that the negro troops are the only troops of the American Army who never failed to defeat the Indians when they met them in battle. There is not one single case where on meeting the Indians they did not drive them off the field and win the day. Their career has been one of honor from the beginning of our Government down to the present. Who can ever forget that the first blood of the Revolution was that of Crispus Attucks, who was stricken to death in the streets of Boston? And who in this body has not paused and looked upon the picture that hangs over the stairway on the eastern side of the Senate—Perry's Victory on Lake Erie? And who that has looked upon it has failed to observe that there, in that boat, at that hour of supremest peril, when Commodore Perry was trying to escape from a sinking ship, seeking safety on another, by the side of him in that boat was a man with a black face? I have not time to recount their deeds of gallantry and heroism as they are recorded in the history of the civil war, but on another occasion that will be done if it be necessary.

I do not ask that they be dealt with here, Mr. President, more generously than they should be, because of this gallant service, but I do ask that we will practice as well as profess the "square deal" for the black men who have given this country a "square deal" on every occasion when they have been called upon to



serve it. At the proper time, I say, I shall speak of that, perhaps at some length, but I do not intend to do it now.

This morning I have undertaken to do only one thing. Having looked at this testimony, not because I have any personal or selfish interest to subserve, but because I regard it as a great question that is here involved which brings home to me, and every Senator here, a solemn duty, and having in that connection read and studied the testimony, I felt that it would be impossible for us to act intelligently and do justice unless we had some real testimony in this case. I want to see that gentleman who is "able to charge all hell with one bucket of water." I should like to cross-examine him, Mr. President. I should like to see some of the other "sterling citizens of Brownsville," and I should like to prove some things that nobody has said anything about yet, and I am not going to say anything about now, but some things that concern justice, that concern equity, that concern right, that concern the honor of the American Army.

For that reason, Mr. President, I now modify the resolution I offered yesterday by striking out the words which make it optional with the Committee on Military Affairs to take further testimony so as to make it a positive instruction that they shall take further testimony, and I will ask that the resolution may go over until we meet here after the holidays, when I shall make some remarks on the subject.

Mr. WARREN. Mr. President, I myself do not wish to enter into this discussion until I have had opportunity to read further the communications from the President and Secretary of War, and to examine the evidence submitted, and I assume there will not be general discussion until other Senators have had opportunity to do likewise. I am informed by the superintendent of the document room that there will be available only about 200 copies of the message and testimony printed as in the document I now have in my hand. I therefore ask unanimous consent that an order be made by the Senate to print as many additional copies as can be printed within the Senate's limit of expenditure for printing of public documents, which, I believe, is \$500.

The order was agreed to, as follows:

*Ordered,* That as many additional copies of Senate Document No. 155, Fifty-ninth Congress, second session, message of the President of the United States relating to the discharge or mustering out of regiments or companies, as will not exceed the sum of \$500 be printed for the use of the Senate.

Mr. LODGE. Mr. President, I have no intention of discussing this question at the present time for the simple reason that I have not been able to read the testimony or examine the evidence on either side with any thoroughness. That somewhat thick volume contains it, and we only received it this morning.

I am not one of those who when they approach a new subject first make up their minds. I prefer, in approaching a new subject, to make up my mind after I have considered the testimony. Even from the rough glance that I have been able to give this testimony, as the Senator from Ohio has been laying it in fragments before the Senate, I observe that there are two sides, and I myself should like to be informed about both sides.

If this regiment or these companies are entirely innocent of the shooting with which they are charged, as the Senator from Ohio alleges—

Mr. FORAKER. No, Mr. President, I do not allege that. The Senator must allow me to correct him. I have not alleged that they are entirely innocent. I have simply alleged that the testimony upon which it is said their guilt is conclusively established is not satisfactory or conclusive, and that there ought to be further testimony taken. I think there is testimony to show that they are free from guilt, but I do not know what the facts are, and I want to find out.

Mr. LODGE. If they are entirely innocent of the offenses with which they are charged, then they have been the subject of the greatest possible injustice, and no one will be more anxious than I to do everything that is possible to vindicate them, to restore any rights they may have lost, and to redress in every possible way every wrong that they may have suffered. But if, Mr. President, they are guilty of the offenses that have been charged, then I think equal justice should be done to the President, the Secretary of War, and the Army officers who have been charged with this painful duty. I think there is a question not only of justice to these men, but that there is some justice due to the President of the United States, the Secretary of War, and the officers who have made this investigation and presented these recommendations.

The President and the Secretary of War have given many weeks of consideration to this question. It is not conceivable that either of them would be influenced in the matter by any local or race prejudice. I do not think that they would have arrived at the conclusion at which they have arrived without

some consideration or without strong evidence. I for one should like to have time to examine the evidence upon which they have acted.

The report has been presented by officers of the Army. I should be very slow to believe that any officer of the United States Army would be guilty of the unspeakable infamy of advising the removal of these men from the Army or holding them up to shame and punishment because that officer's father happened to be a Democrat. I believe it is incredible, Mr. President, that an officer of the Army, on a grave question like this, would deliberately falsify facts and make recommendations which would lead to great injury to innocent men because he happened to be born in the State of South Carolina. I do not remember, Mr. President, where the third officer—Colonel Loving—was born; and I do not care where any of them was born or what the politics of their fathers happened to be. I believe, until it is shown to the contrary, that they are honorable men, doing their duty in an honorable way. They may be in error. It is very possible they are in error. "To err is human." But that they did not do their duty honorably I can not believe; and I think it is traveling a long way from the record to point out that the father of one of these officers was a Democrat.

Mr. President, I think these officers of the Army, and I think the President and the Secretary of War, are entitled to consideration. If, as I say, these men have been discharged from the Army without having been guilty of the offenses with which they are charged, there is no more important duty on each one of us than to see that that great wrong is redressed. But if they were properly removed from the Army and were guilty of the crimes charged against them, then it is equally our duty to sustain the Administration in what has been done.

I do not profess to judge. I have had no time to read the testimony in this thick volume. I have had no time to examine the statements of the officers or the testimony of any of the witnesses; but as I followed the Senator from Ohio, when he stated it was inconceivable that this regiment should have engaged in anything of this kind, I noted as I turned the pages over something absolutely unknown to me until I looked at the document—that this regiment since 1885 had "shot up" four towns. In 1885 it "shot up" the town of Sturgis, in Dakota Territory. Dr. H. P. Lynch was shot and instantly killed, and the soldier who committed the murder was caught and hanged by citizens of the town. Then the soldiers "shot up" the town. In 1899 they "shot up" the town of Winnemucca, in Nevada; in 1900 they "shot up" El Paso—"shot up" the jail and killed a policeman; in 1904—quite recently—they engaged in a deadly brawl at Niobrara and "shot up" the town of Valentine, according to one statement here, and in the affray lives were lost.

Mr. President, the men of that regiment may be absolutely innocent of what is charged against them in this case. I am not prepared to say; I have not read the evidence; but I think it is just as well, when it is stated that it is inconceivable that they should have committed this crime, that these official reports should go in the Record with the speech of the Senator from Ohio. Therefore I ask that the pages of this document, Senate Document 155, from page 315 to the middle of page 365, be printed in the Record.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

*Copies of documents on file in the War Department relating to instances of extraordinary misconduct or acts of violence committed by soldiers of the United States Army prior to the affray at Brownsville, Tex.*

TWENTY-FIFTH INFANTRY—AFFAIR AT STURGIS CITY, DAK., SEPTEMBER 19-20, 1885.

STURGIS, DAK., September 25, 1885.

To the honorable the Secretary of War,  
Washington, D. C.

(Through Commanding Officer, Fort Meade, Dak. T.)

DEAR SIR: This place is situated 1½ miles west of Fort Meade. At that post several companies of colored troops belonging to the Twenty-fifth Infantry are stationed. Owing to some grievance, real or imaginary, the members of these companies, or at least many of them, entertain an ill feeling toward some of the people of our town, and are taking vengeance by shooting down our citizens. On August 23 last Dr. H. P. Lynch was shot and instantly killed by one of these men while sitting in his office, and on the night of the 19th instant a squad of them, variously estimated at from 15 to 20 in number, entered the town and fired several volleys into buildings facing on the main street. The fact that but one life was lost on this latter occasion is simply miraculous. The negroes were armed with Government rifles and supplied with Government ammunition. Our civil authorities are not able to cope with an armed force, and we therefore appeal to you to take such steps as you may deem proper to save our town from further outrage. We would respectfully suggest that these colored troops be removed from Fort Meade and replaced by white soldiers.

We are, sir, very respectfully, yours,

O. W. Jewett, justice of the peace; Max Hoehn, real estate agent; F. M. Allen, groceries; G. W. Pratt, physician; E. Galvin, clothier; Chas. H. Mueller,

drugs; Charles Polk, attorney; H. H. Lorrimer, teacher; James Beatty, lumberman; Chas. C. Woody, Sturgis Weekly Record; H. P. Hannan, agent N. W. & S. & T. Co.; John Scollard, proprietor Sheridan House; William E. Jones, grocer; Frank Shaw, dry goods; Chas. G. Ingalls, jeweler; Michael Goeden, saloon; H. O. Alexander, cashier bank Stebbins Fox & Co.; F. H. Brown, bookkeeper; M. Blatt, wholesale liquors; Oscar Partlow, carpenter; H. O. Anderson, hardware, etc.; O. H. A. Pinnio, stockman; A. J. Hosier, surveyor; V. M. Beaver, lumberman; E. Rupe, carpenter; G. J. Germain, stock breeder; H. C. Ash, real estate; J. A. Galer, stockman; J. C. McMullen, boot and shoe dealer; Will Ickes, clerk; F. T. Allabough, Northwestern Hotel; J. W. Patterson, butcher; W. E. Jones, grocery merchant; George W. Ladd, tinsmith; C. B. Farwell, stockman; W. C. Buderus, attorney; Patrick Florins, saloon; George N. Cole, liveryman; Calvin Duke, farmer; N. H. Loop, carpenter; J. W. Rodebank, farmer.

[First indorsement.]

FORT MEADE, DAK. TER., October 14, 1885.

Respectfully transmitted, through headquarters of the department, together with certified copy of the proceedings of a board of officers organized for the investigation of the outrage referred to.

S. D. STURGIS,

Colonel Seventh Cavalry, Commanding.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,

Fort Snelling, Minn., November 10, 1885.

Respectfully forwarded to the Adjutant-General of the Army, through the headquarters Division of the Missouri.

This paper has been retained here until I could make the report called for in the indorsement of the Adjutant-General, dated October 19, upon the letter of September 27 from Mr. B. Caulfield to the President, a letter relating to the subject-matter of this paper.

The report called for goes forward by to-day's mail.

ALFRED H. TERRY,

Brigadier-General, Commanding.

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,

Chicago, November 14, 1885.

Respectfully forwarded to the Adjutant-General of the Army, attention being invited to report of General Terry, referred to in preceding indorsement (7291, Division Missouri, 1885), and which is forwarded by my indorsement of this date.

J. M. SCHOFIELD,

Major-General, Commanding.

[Inclosure.]

FORT MEADE, DAK. TER., September 25, 1885.

ASSISTANT ADJUTANT-GENERAL,

HEADQUARTERS DEPARTMENT OF DAKOTA,

Fort Snelling, Minn.

GENERAL: For the information of the department commander, I have the honor to transmit proceedings of a board of officers convened at this post for the investigation of a serious outrage committed by a portion of the colored troops of this post upon the town of Sturgis City on the night of the 19th or morning of the 20th instant. Four enlisted men of Company H, Twenty-fifth Infantry, presumed to have belonged to this party, are now in the hands of the civil authorities.

I am, sir, very respectfully, your obedient servant.

S. D. STURGIS,

Colonel Seventh Cavalry, Commanding.

Proceedings of a board of officers which convened pursuant to the following order, viz:

Orders, No. 218.

FORT MEADE, DAK. TER., September 20, 1885.

A board of officers will convene at 12 o'clock m. to-day, or as soon thereafter as practicable, to investigate and report the facts and circumstances connected with an outrage committed last night on the citizens and town of Sturgis City by a party of enlisted men from this post.

Detail for the board: Maj. S. M. Whitside, Seventh Cavalry; Capt. Miles Moylan, Seventh Cavalry; Capt. Henry Jackson, Seventh Cavalry; Capt. C. N. Gray, Twenty-fifth Infantry; Second Lieut. H. A. Leonhauser, Twenty-fifth Infantry.

By order of Colonel Sturgis:

JOHN W. WILKINSON,

First Lieutenant and Adjutant Seventh Cavalry, Post Adjutant.

FORT MEADE, DAK. T.,

September 20, 1885, 12 o'clock m.

The board met pursuant to the foregoing order, all the members present. Proceeding to the business required of it, the board proceeded to Sturgis City, Dak. T., and obtained the statements (voluntary) of the following witnesses, viz:

1. Thomas Cartwright (colored citizen).
2. Abe Hill, proprietor of colored dance hall in Sturgis, Dak. T.
3. J. H. Patterson (white), bartender for A. Hill.
4. Geo. Williams (white), night bartender for A. Hill.
5. Witherspoon (white), citizen of Sturgis.
6. William H. Eatsides (white), citizen of Sturgis.
7. Robert P. Barttery (white), citizen of Sturgis.

The board then adjourned to the post and met in session at 6.25 p. m. Present, all the members.

The board then examined the following-named witnesses:

1. Private Walker M. Wills, Troop K, Seventh Cavalry.
2. Private McMahon, Troop A, Seventh Cavalry.
3. Private F. Martinis, Troop A, Seventh Cavalry.

Board adjourned to meet at 1 p. m. following day.

MONDAY, September 21, 1885—1 p. m.

Board met pursuant to adjournment. Present, all the members. Proceeding with the business required of it, the board examined the following witnesses:

1. Private Taylor, Company H, Twenty-fifth Infantry.
2. Lieutenant Leonhauser, Twenty-fifth Infantry.
3. Corporal Fisher, Troop K, Seventh Cavalry.
4. Musician John Brown, Company H, Twenty-fifth Infantry.

5. Private H. Hall, Company K, Twenty-fifth Infantry.

6. Lieutenant Ord, Twenty-fifth Infantry.

The board then adjourned to meet in Sturgis City at 5.15 p. m.

STURGIS CITY, DAK. T.,

September 21, 1885—5.15 p. m.

The board met—all of the members being present—and proceeded to examine the following persons:

1. Frankie Hill, sporting character at A. Hill's.
2. George Ridd (colored), works at A. Hill's.
3. John Warner (colored), works at A. Hill's.

The board then adjourned.

FORT MEADE, DAK. T.,

September 22, 1885—3.30 p. m.

The board met pursuant to call of its president. Lieutenant Leonhauser, Twenty-fifth Infantry, was reported as being absent as a witness before the United States district court in Deadwood, Dak. T. The board then after due deliberation on the evidence adduced, and from their own observation, find the following facts, viz:

That, Saturday night, September 19, 1885, Private John Taylor, Company H, Twenty-fifth Infantry, had an altercation with one Abe Hill (colored), the proprietor or keeper of a bawdy dance house in Sturgis City, where the lower classes of white and colored citizens and soldiers congregate for their evening's entertainment or debauch; that this row, feud, or altercation, was not of sufficient importance or magnitude to awaken in minds of persons present the remotest thought of future trouble.

It appears in evidence that either Private Taylor, or Greer, both of Company H, after the row before mentioned, said, as they, in company with other men of Company H, Twenty-fifth Infantry, left the dance hall in Abe Hill's, you will hear from us again; or, "You will hear from us again to-night." The board concluded that this was no unusual disturbance, as it is established that most of the occupants of this place (Abe Hill's) were in bed when, from the evidence before the board, it appears that a party of armed soldiers, variously estimated from 8, 10, 15, or 20 colored men in uniform, thimble belts on, with "long toms" in their possession, appeared in front of A. Hill's place; this body of men after calling out "Soldiers outside! We are going to shoot!" or words to that effect, did fire with powder and ball into aforesaid house of Abe Hill a number of shots variously estimated from 60 to 100, many of which were calculated or liable to kill or do bodily harm to the occupants of said house; that one citizen, Bob Bell by name, a supposed cowboy, while in said house, came to his death by a bullet directed from a rifle, carrying a 500-grain bullet, in the hands of Privates John Taylor, Pierce Greer, Evan Morris, and Smith Watson, Company H, Twenty-fifth Infantry, and others in collusion with them; that the before-mentioned enlisted men of Company H, Twenty-fifth Infantry, namely, Privates John Taylor, Smith Watson, Evan Morris, and Pierce Greer, all of Company H, Twenty-fifth Infantry, were seen in the town of Sturgis City, Dak., on the night of Saturday, September 19, or Sunday morning, September 20, 1885, in soldier clothing, with guns (?) in their possession and (in line) with other colored soldiers in the streets of Sturgis City; that some of these men in line were seen to "fire;" others, namely, Taylor and Greer, gave recognized commands; that the result of this firing was the killing of Citizen Bob Bell; numerous bullets hit through A. Hill's saloon and dance hall, and a few shots (either strayed or intended) through and in the building occupied by a man known as "Jonnie Dolan." This man is keeper of a low bawdyhouse of ill fame where both white and colored people congregate. The evidence before the board evinces doubt as to whether the men engaged in the firing intentionally shot into Dolan's place or as to the reasonable doubt of stray shots.

Summing up all the evidence that the board has been able to obtain, the board finds "that the outrage committed on the citizens of Sturgis City on last Saturday night was entirely confined to 'Abe Hill's and Jonnie Dolan's' place in Sturgis City, and was entirely confined to the members of Company H, Twenty-fifth Infantry. Evidence adduced shows that an armed body of colored soldiers, variously estimated from 8 to 20, all of Company H, Twenty-fifth Infantry, were in the town of Sturgis City, Dak.; that this armed party fired on A. Hill's place and Jonnie Dolan's place with result as stated. The board examined the house of A. Hill and Jonnie Dolan, and found the dead body of Cowboy Bell, and also numerous shot holes in both buildings."

"The animus of the whole affair was seemingly directed toward Abe Hill's place, where shots were fired both front and rear."

Further than this the board is unable to state.

S. M. WHITSIDE,

Major, Seventh Cavalry.

MILES MOYLAN,

Captain, Seventh Cavalry.

HENRY JACKSON,

Captain, Seventh Cavalry.

CYRUS N. GRAY,

Captain, Twenty-fifth Infantry.

There being no further business before it, the board adjourned sine die.

S. M. WHITSIDE,

Major, Seventh Cavalry.

CYRUS N. GRAY,

Captain, Twenty-fifth Infantry.

Approved.

S. D. STURGIS,

Colonel Seventh Cavalry, Commanding.

HEADQUARTERS DEPARTMENT OF DAKOTA,

Fort Snelling, Minn., October 1, 1885.

Official copy respectfully forwarded to the adjutant-general of the Division of the Missouri, for the information of the major-general commanding.

ALFRED H. TERRY,

Brigadier-General, Commanding.

[First indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,

Chicago, October 9, 1885.

Respectfully forwarded to the Adjutant-General of the Army.

J. M. SCHOFIELD,

Major-General, Commanding.

DEADWOOD, DAK., September 27, 1885.

MR. PRESIDENT: You have no doubt read of the attack made by some fifteen or twenty of the colored regiment at Fort Meade on some houses in the town of Sturgis. Sturgis is about 13 miles from here, on the



road to Fort Meade, which is about a mile farther. These colored soldiers infest Sturgis at night and are the support of a lot of vile negro girls and women, who congregate at a drinking den called a "dance house." I understand that rows and fights are of constant occurrence in and about this house, and the people of the town are kept in constant dread by the firing of pistols and the yells of these negroes at night. Some weeks ago a negro soldier went to the drug store of Doctor Lynch, an old citizen of the place. The doctor was sitting in his store reading a paper, and this fellow took deliberate aim at him through the window and shot him dead. The soldier fled, but the crowd took him after his capture and hung him. Of course nothing can justify this grave infraction of the law in not allowing him a trial and letting the law vindicate itself. I happened to be at the fort last Saturday night when this last wholesale shooting took place. I was standing in front of General Sturgis's quarters talking with him. We were about going into the house, when Lieutenant Sickles approached with a sergeant, and told the general that he had seen some fifteen or twenty colored soldiers going toward Sturgis with their guns. General Sturgis immediately ordered Lieutenant Sickles to take a detachment of his men and go at once and bring them back.

A few minutes afterwards another lieutenant came to the house and said he had heard firing from the direction of Sturgis, but thought it was at the "Half Way House." The general then ordered him to take another detachment and arrest the soldiers. In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into "Abe Hill's" house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for.

The inclosed extracts which I have made from the Deadwood papers, being the only papers I have seen, will give a more particular account of what occurred at the shooting, and of which I know nothing except from hearsay. General Sturgis next morning constituted a board of investigation from the officers and sent them to Sturgis. They took testimony for two days and succeeded in identifying only four of the offenders. They were brought here and lodged in jail. A special grand jury has been called to act upon these and other cases. I am satisfied, Mr. President, from what I learn from the officers at Fort Meade that this colored regiment is composed in part of a set of reckless desperadoes, and that the service would be benefited by their removal to some station farther removed from a town than Sturgis City is from Fort Meade, and where the temptation to leave their quarters for drink and carousing will be removed.

Sturgis City has a population of about 800 and the town and the regiment are no doubt of mutual disadvantage to each other. A feeling of distrust now exists among the people of Sturgis, and I fear they may be constantly tempted to acts of violence which their fears may engender, and which may not be warranted except by the memory of past outrages on the part of the soldiers. I have no doubt, too, from what I have heard, that the soldiers have met sometimes with outrages from a class of scoundrels who will congregate in such towns from different localities for the purpose of fleecing and robbing the soldiers about pay day, and for which the good citizens are not responsible.

Very respectfully, your obedient servant,

B. G. CAULFIELD.

[Inclosures.]

[From the Daily Times.]

DIABOLICAL—A PLATOON OF COLORED SOLDIERS FROM FORT MEADE VISITS STURGIS, FIRING INTO A BUILDING WITH MILITARY PRECISION, INSTANTLY KILLING ROBERT S. BELL, AN UNOFFENDING COWBOY—NINE SUSPECTS IN CUSTODY—THOROUGH INVESTIGATION ORDERED.

Another dastardly outrage was perpetrated at Sturgis between 1 and 2 o'clock Sunday morning by a detachment of colored soldiers, members of Company H, Twenty-fifth Infantry, resulting in the instant death of Robert S. Bell, a cowboy connected with the T. D. Clark Tingley's outfit. As yet meager particulars only are obtainable, but sufficient to show that a more dastardly crime was never committed in the Hills.

Ever since the lynching of Corporal Hollis for assassination of Doctor Lynch the colored soldiers have cherished bitter enmity toward certain citizens of Sturgis, including William Souter and George Cole, and it is thought that the event of Sunday morning is the result thereof. Be this as it may, about 1 o'clock a body, estimated all the way from fifteen to twenty-five strong, armed with their rifles, quietly left the post and in military order proceeded to Abe Hill's dance house, in front of which they quietly wheeled into line, when the leader gave, in quick succession, the commands, "Prepare to load; load; aim and aim low; fire!" A terrific volley resulted, followed by great excitement throughout the town, during which the soldiers quietly disappeared.

In the saloon at the time were four or five men at cards and Robert S. Bell. The latter had entered only a few minutes before and was engaged playing a banjo when the volley poured into the building, one bullet striking him in the breast and passing entirely through the heart and body, causing instant death. All others within the room escaped injury.

Coroner Wright and Undertaker Smith repaired to Sturgis a few hours later, where the coroner proceeded to hold an inquest, still in progress. Mr. Smith returned with the corpse in the evening. Deceased was about 28 years of age and of fine appearance. His father, William H. Bell, an architect at York, Nebr., was apprised by wire of the death of his son and directed that the remains be interred here.

GENERAL STURGIS ACTIVE.

From a gentleman who reached Deadwood at 11 o'clock last evening we gather the following: As General Sturgis was engaged with a friend who arrived by the coach at 1 o'clock, Lieutenant Sickles and a sergeant approached, the latter with the announcement that a squad of colored soldiers, heavily armed, had just left the post for Sturgis. The general thereupon ordered the lieutenant to proceed with a detail from his company and intercept the truants, and, that no time should be lost, to go dismounted. Shortly thereafter Lieutenant Lehnhauser reported having heard firing in the direction of Sturgis. The lieutenant was thereupon directed to proceed with another detail as quickly as possible and arrest all soldiers absent without leave.

Lieutenant Ord was directed to cause a check-roll call; to lie in wait for and arrest all absentees on returning; to examine all arms,

delivering to the general such as indicated recent firing, and to make every effort to apprehend the offenders.

A check-roll call disclosed only three absentees, but upward of a dozen rifles gave evidence of recent use.

On yesterday a board of inquiry was organized, with instructions to leave no stone unturned in an endeavor to solve the mystery. Thus far nine men have been arrested, and the remainder soon will be. They all belong to Company H, Twenty-fifth Infantry. General Sturgis deserves the thanks of the community for his prompt and judicious action, and his determination to bring the guilty parties to justice.

The coroner and the board of inquiry are working in concert, and no conclusion will be reached before this evening at the earliest.

#### THE STURGIS HOMICIDE.

The coroner's inquest in the Sturgis homicide case resulted in a verdict that deceased came to his death at the hands of parties, some of whom are in custody and others unknown. The board of inquiry, created by order of General Sturgis, continued its labors until upward of sixteen arrests were made, the prisoners being confined in the guardhouse at Fort Meade, and taken one at a time for examination before Justice Jewett at Sturgis. Evidence against a number of the men is direct and conclusive.

The funeral of the late Robert S. Bell, victim of the outrage, was held from Smith's undertaking establishment, Sherman street, at 2 o'clock yesterday afternoon. The body, neatly dressed, rested in a silver-mounted casket, and was viewed by a large number of citizens. It was a pleasant face to look upon, the features indicating great intellectuality and good parentage. Interment took place in Mount Moriah.

Sheriff Garland, Deputy Dix, and the four colored men, soldiers, accused of the murder of Robert S. Bell, came in from the post yesterday, escorted by Lieutenant Cress and a detachment of the Seventh Cavalry. The defendants, Taylor, Greer, Morris, and Watson, each waived an examination and were held by Justice Jewett without bonds, to await the action of the grand jury.

[From the Pioneer.]

TUESDAY MORNING, September 21, 1885.

The coroner's jury in the case of Robert Bell returned the following verdict yesterday morning:

"The said jurors upon their oaths do say that the said Robert S. Bell came to his death by a gunshot wound fired by a squad of United States soldiers, members of Company H, Twenty-fifth Infantry (colored), led by John Taylor and Pierre Greer, privates, and of whom John Taylor, Pierre Greer, Evans Morris, and Smith Watson were recognized on the morning of September 20, 1885, in Abe Hill's dance house in Sturgis City, Dak. T.

"E. T. MARSHALL,

"N. T. WITCHER,

"J. T. SLY,

"Jurymen."

Immediately after the finding of the jury a complaint was filed by the coroner in Justice Jewett's court, a warrant issued, and defendant Watson was brought up from the guardhouse at Fort Meade by Deputy Sheriff June Dix, escorted by eight members of the Seventh Cavalry, who stood in line in front of the office until the prisoner had waived examination and a commitment to the Lawrence County jail without bonds had been made out, and the prisoner was loaded up and started for the prison lockup. The other three prisoners were then brought up for preliminary examination, and if waived they would be brought up to the county jail with a guard of one company of cavalry. There seems to be a disposition on the part of the sheriff and General Sturgis to protect the prisoners from mob violence, and we think they are acting wisely.

The following is a synopsis of the evidence given to the coroner's jury:

Doctor Pratt testified that the ball, after passing through a 4-inch square awning post and the front of a building, entered the body of deceased between the ninth and tenth ribs and passed obliquely through the body and out through the lower portion of the sternum, dropping between the body and the clothing, and in its passage through the body injuring the heart, which was the cause of death.

R. T. Bartley testified that he was standing in front of Dolan's saloon about 2 o'clock Sunday morning when he saw a squad of soldiers marching in order up Main street, under command of an officer, with their guns at a trail, held in their right hands. When in front of Abe Hill's place they, at the command, halted and formed in line; some one hollowed, "Is there any soldiers in there? If there is, get out of the door; we are going for the house," and they then commenced firing.

After firing a few volleys they about-faced and started down street. In front of Dolan's place they were halted and a voice said, "Let us give Jonnie Dolan, the s— of a b—, a round," and they fired a volley in his house. I heard the whiz and spat of balls and the tingling of broken glass. After firing a volley they re-formed and marched up to Hill's place again, where they halted and the command, "Ready, load, fire," was given, and several volleys were fired into the building. There was a drag in the firing, and some one said, "Let us all fire together," and the same order was given—"Ready, load, fire," and volleys were repeated, several of them, at the lower part of the house. The firing ceased, and a voice said, "Here is Souter and Cole; we will lay out the s— of b—." Ranks were broken, and they went up street and disappeared. I went into the house after they were gone and found a cowboy dead—shot through the body.

James W. Patterson testified that at an early hour that morning he heard loud talking in the street, stepped to the door, and saw John Taylor, a member of Company H, stepping off the platform, going toward a line of men standing in the street—fifteen or twenty of them. He recognized Privates John Taylor, Pierre Greer, Evans Morris, and Smith Watson, all of Company H, Twenty-fifth Infantry. Greer gave an order and they fired a volley in the direction of the upper portion of the house. Soon after this first volley a voice said, "What do you want, you s— of a b—?" and a shot was fired, and soon afterwards several shots were fired. The voice he did not recognize, and it was evidently directed to some one in the house, and he thought to deceased, Bell. Some one then proposed to go down and give Dolan a round, and they went. He heard them say, "Let us go for Souter and Cole and fix them."

John Warner was in the house at the time of the firing and recognized the voice of Greer commanding, "Ready, aim, fire," followed by a volley that came into the house. He also recognized Private Taylor in the party.

Andrew Wetherspoon was in the room at the time the shots were

fired, and saw Bell clasp his hands across his breast and heard him exclaim, "My God! I am killed," and saw him cross the room and fall out of the back door. Bell died twenty minutes after being shot.

George Read was in the room at the time Bell was shot, and saw him fall out of the back door. He saw and recognized Taylor, Greer, and Watson, with guns in their hands, in the crowd of soldiers.

George Williams was in the room at the time, and they all heard a noise in the street, and all but himself passed out at the front door. Through the open door he saw Taylor standing on the sidewalk with a gun in his hands.

Thomas Cartwright was in the house at the time the soldiers formed in the street, and he heard Taylor say, "Now, boys, we must all fire together." He heard them propose to go down and give Dolan a volley. He recognized Taylor, Morris, Green, and Watson in the crowd, and Taylor was commander of the squad.

Abe Hill was in bed when the firing commenced, but he got up and recognized the voices of Taylor and Green in the street. Taylor hollered to him to "come on up to Fiddler's tree; we will meet you there," and Green said, "Cole and Souter, we want to see you up at Fiddler's tree."

William Havisides was in the house at the time of the firing, was close to Bell when he was shot, and saw him stagger across the room and fall out of the back door. He recognized Taylor and Green in the party.

There was a large amount of evidence given that pertained to threats that were made that night, but the above synopsis covers the material evidence given. It was thought that Watson would squeal and tell what he knew of the affray, but when brought into court yesterday his mouth was closed; he had nothing to say and waived examination.

#### FIXED AMMUNITION.

We have often heard of fixed ammunition and supposed it was cartridges such as are sold in the market "fixed" for the gun. During the late excitement in Sturgis the court of inquiry found some of the empty shells in the street that had been fired by the soldiers and they seemed elated over the fact that it was fixed ammunition. We started in to get the bottom facts on fixed ammunition, and seeing the guard of honor detailed to escort Watson to the law mill yesterday, we approached him and struck up a talk. We asked him to explain the term "fixed," at the same time drawing a cartridge from his belt. A sergeant in command, about 300 feet high, saw our civilian hand caressing the little messenger of death, and he reached for us, at the same time ordering the return of the cartridge to the belt, and we returned it and crawled upon the porch to prevent annihilation. He was evidently a mighty man of war, and we are glad we are not an Indian to have him turned loose upon our tepee.

This was all in Scoop.

#### MURDER—A SQUAD OF DRUNKEN COLORED SOLDIERS SHOOT PROMISCUOUSLY AND KILL A COWBOY.

STURGIS CITY, September 20, 1885.

To the editor of the Pioneer:

It is Sunday evening and a holy quiet of the calm after the storm pervades the town.

We are again called upon to chronicle the death of a fellow-mortal, and by violence—a cold-blooded murder—and it is not yet known who the assassin is, although there is proof that everybody hopes will prove conclusive as to who the guilty party is.

To go back a little, it will be remembered that Doctor Lynch, an old, respected citizen, was foully murdered in this place a little over a month ago, and very soon afterwards Corporal Hallon, a colored soldier, who was suspected of the crime—in fact, the evidence was almost conclusive that he was the guilty party—was taken from the jail in nighttime and lynched.

The colored soldiers at that time believed him innocent, and many of them vowed vengeance against not only several parties they supposed had a hand in it, but against the entire town. Many of the people were of the opinion that they would carry their threats into execution, but the greater proportion of them thought that it was but idle talk.

About 2 o'clock this morning, to the great surprise of everyone at that time, a squad of colored soldiers, from 15 to 20 in number, armed with their breech-loading rifles, appeared on the street and began an indiscriminate firing into the houses on the south side of Main street. Not less than 100 shots were fired in all, and from the looks of the houses the bullets were large and propelled with great force. Abe Hill's house shows where many of them went, there being holes in the front, in the ceiling of the rooms, and, in fact, all over.

One of the balls passed through a 4-inch square awning post in front, through the front of the building, and out through the side of the house.

Another ball passed through another awning post, through the front of the house, and through a man's body who was standing in the room, killing him instantly. In the next house a ball passed in through an open door up through the ceiling and through a partition in the upper story, that deflected the ball down through the floor and dropped upon a bed in which a man was sleeping.

Johnnie Dolan's place also received a volley that wrecked the chandeliers and windows badly. The lamps and chandeliers in all of the houses along on this row were made targets of by them and most of them were knocked into smithereens.

As soon as word could be got to the post two companies of cavalry were sent up, and they soon rounded up the colored troops and lodged them in the guardhouse. They remained on duty until daylight and patrolled the town. Some indignation is felt at the post commander for permitting the arms and ammunition to be left where they had such easy access to them, but he is in no wise responsible for it. Racks are placed in each company's barracks in which their arms are kept, and these racks can be locked up, making it impossible to get out the rifles without removing the padlocks. The post commander, we understand, issued an order that the arms be kept under lock and key by the first sergeant of each company, but the order was countermanded by General Terry, and the locks were removed.

The officers of the post have started in in earnest to ascertain, if possible, every man who was absent that night with a gun, and they now have at least 17 men in the calaboose, all of them members of Company H, Twenty-fifth Infantry.

A commission was detailed early this morning, consisting of Major Whiteside, Captain Moylan, Captain Jackson, Lieutenant Leonhauser, and Captain Gray. They constitute what is called a court of inquiry, and they have been at work all day examining witnesses and getting every bottom fact possible. They report that they have learned who

at least a half dozen of the culprits are, and will fasten the crime on others of them before they conclude.

They will report in the morning to the commanding officer, who will place in the hands of the coroner, who arrived here about noon, impaneled a jury, and adjourned until to-morrow morning, the names of witnesses, the facts as ascertained, and the names of the suspected parties. In this the officers and commandant have shown a commendable spirit in the manner in which they are assisting the civil authorities.

The unfortunate young man who was thus so quickly removed to his long home was Robert S. Bell, a cowboy, in the employ of Clark Tingley. His parents reside in York, Nebr. From a letter written by his father, that arrived here Saturday night, we learn that his father is an architect, an educated man, who, on account of his wife's failing health, has sold out and will remove to California during the month of October. He wanted his son to come and go with them and requested an immediate answer, but he will receive instead a telegram from Undertaker Smith announcing his death.

The young man was standing in the back room, close to the wall, peeping through the window, over the blinds, into the street, when the volley was fired from the street, one of the balls of which, as before stated, passed through the awning post, the front of the house, and through his heart, lodging in his clothes, where it was found by Doctor Pratt. At the conclusion of the firing in the street, one of them was heard to say: "Now, boys, we'll find Souter and Cole and settle with them at Fiddler's tree."

The general feeling here is that Judge Church should order a special grand jury impaneled at once, and investigate this case thoroughly and promptly; otherwise there may again be a resort to mob violence, so greatly deplored by every one.

ANON.

FROM CORONER WRIGHT.

STURGIS CITY, September 21, 1885.

The excitement attending the killing of young Bell on Sunday morning has by no manner of means subsided, but, on the contrary, is becoming more and more intensified. It is the one subject of conversation with business men and citizens generally. There is a determined feeling that the colored troops must go or keep out of town. The discipline at the post is vehemently denounced, all persons claiming that if a guard is kept, as is supposed, that guard should have known when 15 or 20 armed men went out and should have reported it. They also claim that this portion of the Regular Army are stationed here to protect life and property on the frontier, and not for the purpose of making armed raids at the dead hour of midnight upon unarmed and peaceable citizens. A public meeting of citizens will be held this evening, at which some action will be taken to relieve them of the dread of violence that now threatens.

Two things will be recommended, the first: That no colored troops be allowed in town after sundown, and means will be employed to make their visits so uncomfortable that they will not desire to come the second time. The other is that the Secretary of War be petitioned to remove them to some other post and send white men in their places. In the latter they will ask the cooperation of the citizens of the belt.

A blacksmith, a soldier, a member of the Seventh Cavalry, committed suicide last night at the post by shooting himself in the head. The only reason we have heard assigned was his arrest on some trivial charge that so preyed upon his mind that in a moment of temporary insanity he did the deed.

It is a little amusing to hear the old bums around this town tell of the many hairbreadth escapes they each had on the night of the raid. "Do you see that post there in the street? I was sitting on that when they marched up Main street, and when they halted in front of me and the order 'Ready, aim, fire,' was given, and the fragments of broken glass and wooden splinters filled the air, I never budged, but stayed it out. I tell you I played in big luck that night to not get plugged," and they all tell the same story and gather in crowds and give in their experience.

They all agree that the commands were "Guide left by fours; right oblique by fours; ready, aim, fire. Aim low, boys," and all such bosh, and each one of them tells of bullets fanning their cheeks, tipping their ears, and passing between their arms and bodies. They are, to say the least, amusing liars.

This forenoon we visited our old Deadwood friend, Charles E. Downer, at his brewery on the dead line, between this place and the post. He has a small, neatly arranged brewery, and manufactures the best foaming beer and stock ale ever before made in the Hills. The stock ale is really superb, excelled by none we ever sampled.

The coroner's inquest is progressing very slowly. Three p. m. this afternoon has been set for the examination of the witnesses, and it is hoped no further postponement will be necessary. The court of inquiry, consisting of five officers of the post, have been at work since early Sunday morning, and they think they will be able to report the names of the witnesses and the facts ascertained from them by 4 o'clock p. m. to-day.

[First indorsement.]

EXECUTIVE MANSION.

The within communication is respectfully referred to the Secretary of War.

By direction of the President:

DANIEL S. LAMONT,  
Private Secretary.

[Second indorsement.]

HEADQUARTERS OF THE ARMY,  
ADJUTANT-GENERAL'S OFFICE,  
Washington, October 19, 1885.

Respectfully referred, through headquarters Division of the Missouri, to the commanding general Department of Dakota for remark. To be returned.

By command of Lieutenant-General Sheridan:

R. C. DRUM, Adjutant-General.

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,  
ASSISTANT ADJUTANT-GENERAL'S OFFICE,  
Chicago, October 22, 1885.

Respectfully transmitted to the commanding general Department of Dakota.

By command of Major-General Schofield:

H. C. CORBIN, Asst. Adj. General.



[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,  
Fort Snelling, Minn., November 10, 1885.

Respectfully returned to the Adjutant-General of the Army, through the headquarters of the Division of the Missouri.

The inclosed letter is, in the main, a just and temperate account of the occurrences at Sturgis City and Fort Meade, of which it speaks. I should take exception to but one of the statements which Mr. Caulfield makes. He states, as an ascertained fact, that "Doctor Lynch" was assassinated by a colored soldier. Doubtless he is fully convinced of the truth of this statement; but I submit that the inclosed copy of a report from Colonel Sturgis of the testimony given before the coroner's jury impaneled to determine the cause of Doctor Lynch's death shows that while a case of grave suspicion was made out against the soldier Hallon, the evidence was by no means conclusive. Of course, since the brutal murder of Hallon by the mob of Sturgis City, it has been impracticable to determine the question of his guilt or innocence. I inclose a copy of the proceedings of a board of officers convened by order of Colonel Sturgis to inquire into the facts connected with the killing of Bell. The conclusions of the board confirm the statements of Mr. Caulfield.

It is not probable that all the persons who were concerned in the murder of Bell will be detected and punished. Four men have been arrested, and if the evidence against them be sufficient to establish their guilt they will, without doubt, be confined and tried. In their cases the machinery of the law will act speedily.

I do not recommend the removal of the colored troops from Fort Meade. It is not alleged that they, as a body, have committed any crime or have been guilty of any disorder. Certain men belonging to one of the companies are accused of a most serious crime, but there is nothing to connect with it the other men of their company or any of the men of the other companies. There is no evidence to show that the peace of Sturgis City, in the future, is threatened by any of them. I do not believe that it is seriously threatened by them.

I have had much experience with colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intoxication are comparatively rare among them.

The situation at Fort Meade is an unfortunate one. It is very undesirable that a military post and a frontier town should stand in such close proximity to each other as Sturgis City and Fort Meade do; unfortunately possibly for the town, unquestionably unfortunate for the post. But the post was established before the town was founded, and I do not think that there would have been any town but for the post. Still the evils which result from this juxtaposition are not absolutely unavoidable.

The military authorities at the post will, I am sure, do their part to prevent the commission of crime, and if the civil authorities of the town will do theirs as well there will be no occasion whatever for apprehension.

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the colored troops, for they are "stocked" with colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed it is most improbable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must, I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens, which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

ALFRED H. TERRY,  
Brigadier-General, Commanding.

[Fifth indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,  
Chicago, November 14, 1885.

Respectfully returned to the Adjutant-General of the Army.

J. M. SCHOFIELD,  
Major-General, Commanding.

[Sixth indorsement.]

HEADQUARTERS OF THE ARMY,  
Washington, November 21, 1885.

Respectfully returned to the Secretary of War inviting his attention to and concurring in the remarks of the commanding general, Department of Dakota.

P. H. SHERIDAN,  
Lieutenant-General.

[Inclosure.]

FORT MEADE, DAK. T., October 28, 1885.

ADJUTANT-GENERAL, DEPT. DAKOTA,  
Fort Snelling, Minn.:

Doctor Lynch was killed by shooting about 11 p. m., August 22, whilst reading in his office, the assassin firing through closed office door. Supposed cause, jealousy of colored woman.

Evidence before coroner's jury circumstantial; that of Private Blufford, A Company, Twenty-fifth Infantry, the most damaging given against Corporal Hallon, was to effect that he met Hallon at 10.30 p. m. at Abe Hill's saloon, Sturgis City; Hallon asked witness to drink and went into alley and drank from bottle; met Hallon next in dance hall (Abe Hill's); took witness into alley and persuaded him to change blouses. After blouses were changed Hallon told witness to meet him at point on outskirts of town, toward Meade.

Separated in alley ten minutes thereafter to meet at point designated. Hallon stoned his dog to make him follow witness. Witness met Private Martinez, A, Seventh Cavalry, on his way to place of meeting, and tried to borrow pistol from him, saying he feared trouble with Hallon, whose conduct was suspicious. After being at place fixed for meeting ten minutes, heard shot in town and walked toward town.

Met Corporal Raymond, Seventh Cavalry. Then waited a moment and heard voice calling him. Recognized Hallon's voice. This at place of meeting, about five minutes after shot was fired. Upon meeting changed blouses. Hallon putting on his own and refused to say

what trouble was. Witness noticed six-shooter at this time in Hallon's pocket. Went back to town with Hallon. On way Hallon pulled out pistol and seemed to be loading it, saying he feared trouble. On reaching town found Lynch had been killed. While in jail with Hallon, latter told him what to swear to, and to stick to his story, which was not that given to jury. Private Martinez, A Troop, and Corporal Raymond, C Troop, corroborated Blufford in that they had met him at place fixed for his meeting Corporal Hallon, and at time described by Blufford.

That witness was wearing a noncommissioned officer's blouse, and had conversation with Martinez about pistol. Private Rann, A Company, testified to loaning of pistol identified as one carried by Hallon night of 22d; loaned it night of 21st and 22d, Hallon returning it to him on morning of 23d, after murder. All chambers loaded when loaned and empty when returned. Carried same size and weight of bullet as bullet which killed Lynch.

Corporal Hallon was arrested on 23d August, on warrant duly served, and taken from jail in Sturgis City on night of 25th August and hanged. Jury found that Lynch came to his death at hand of Hallon. This verdict and evidence all information known to be in possession of mob which hanged Hallon.

STURGIS, Commanding.

WAR DEPARTMENT,  
Washington, December 22, 1885.

SIR: In reply to your letter of the 27th of September last, commenting upon the outrages committed at the town of Sturgis, Dak. Ter., by colored soldiers of the Twenty-fifth Infantry, stationed at Fort Meade, and suggesting the removal of the colored troops to some other post and the substitution of white soldiers in their place, I have the honor to invite attention to the inclosed copy of the report of Gen. A. H. Terry, commanding the Department of Dakota, to whom the matter was referred, and to say that both the Department and the Lieutenant-General of the Army concur in the views as expressed therein by General Terry.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,  
Secretary of War.HON. B. G. CAULFIELD,  
Deadwood, Dak. Ter.

AFFAIR AT WINNEMUCCA, NEV., JUNE 29, 1899.

[Telegram.]

WAR DEPARTMENT, July 2, 1899.

Major-General SHAFTER,  
San Francisco, Cal.:

C. D. Van Duzer, district attorney, Humboldt County, Nev., telegraphs that armed soldiers, Twenty-fourth and Twenty-fifth Infantry, allowed to leave trains at Winnemucca, Nev., destroy property, and shoot citizens.

Investigate at once and report. No person must be allowed to escape punishment for wrongdoing.

R. A. ALGER,  
Secretary of War.

[Telegram.]

SAN FRANCISCO, CAL., July 2, 1899.

SECRETARY OF WAR, Washington, D. C.:

Van Duzer wired me last night as to disorders committed by soldiers Twenty-fourth and Twenty-fifth Infantry; replied that Twenty-fifth Infantry had already sailed when report received; that so far as Twenty-fourth was concerned an investigation would be made at once, which will be done. Will send judge-advocate of department to Winnemucca to collect evidence, and if case warrants it would recommend that stoppage be made against the entire command, as authorized in General Orders 30 of '68. Proper guards could not have been posted over train.

SHAFTER, Major-General.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,  
OFFICE OF THE JUDGE-ADVOCATE,  
San Francisco, Cal., July 13, 1899.

THE ADJUTANT-GENERAL, DEPARTMENT OF CALIFORNIA.

SIR: I have the honor to submit the following report of my investigation of the disorders "said to have been committed by United States troops" at Winnemucca, Nev., on the evening of the 29th day of June, 1899. As required by my instructions, I visited the Presidio on the 3d instant, and after completing my inquiry there proceeded, on the 5th instant, to the scene of the disturbance, arriving at Winnemucca on the early morning of the 6th.

About 7.30 p. m. of the 29th of June the second section of a special westbound train carrying companies L and M, Twenty-fifth Infantry, and Company K, Twenty-fourth Infantry, Major Noble, Twenty-fifth Infantry, commanding, arrived at Winnemucca. The officers proceeded at once to take supper at the Lafayette Hotel, near the railway track and two blocks in rear of the train. The last of the fifteen coaches composing the train were about opposite the station house or "depot," and this in turn was opposite Berte Klucny's saloon, 50 yards away on the north side of the track. On coming to a full stop, the men of the Twenty-fifth Infantry, who occupied the rear coaches, left the train in large numbers, no restraint being imposed upon them. They dispersed through the town, causing no trouble except in Klucny's saloon, where a crowd assembled, and, according to the affidavit of H. W. Skinner and John May, filed herewith, marked A and B, soon became boisterous and practically took possession of the bar. Several other citizens were in the saloon, but, like Skinner and May, they left it, fearing trouble. No one saw who did the shooting.

Daylight had now so faded that only flashes of the discharges (five to eight in number) were seen. It is admitted by Klucny that no shooting occurred until the men left the saloon. After the shooting the enlisted men dispersed quickly, running for their coaches. In the meantime some one had gone to the Lafayette Hotel and apprised the officers there at supper of the shooting, but before they could reach the scene of the disturbance the men were in their coaches. When the shooting occurred "Berte" Klucny was behind his bar and his assistant, Chris Wilhelm Deiss, was standing in front of a gate leading behind the bar, when he received a pistol shot, the nature of which is described in a letter by his attending physician, W. M. Samuels, M. D., herewith.

The subscriber witnessed Doctor Samuels dress the wound, which

answers to his written description. It was deemed inadvisable to question Deiss regarding the affair at this time, when any excitement might create a feverish condition, which his physician is slightly apprehensive may yet set in. The room where the shot took effect is about 20 by 20 feet, plainly furnished with wood table, chairs, and bar. A plain wood-framed mirror, having a glass 2 by 5 feet, and a few liquor glasses and decanting bottles constituted the bar equipment. The mirror had not been repaired, and remained as broken on the night of the disturbance. "Berte" Klucny refused to give the undersigned an itemized list of property taken and destroyed, he having been instructed by District Attorney C. D. Van Duzer, who is his attorney, not to answer questions.

In a general way he affirmed that his "bottled goods" and the cigars arranged behind his bar were all taken, his decanters and glasses of all kinds smashed, the prepared food, cakes, etc., in the restaurant part of his establishment looted. The dining room is off the saloon, in the door to which Deiss fell when wounded.

Assuming all this to be true, \$100 would be a liberal compensation for property loss suffered by Klucny. The most serious injury is that done to Deiss. Loss of time in his employment, doctor's bill, the apprehension and pain suffered, all call for redress. The undersigned obtained from Deiss the ball taken from his body, and on testing it on an apothecary's balance found it to be 8 grains lighter than the service pistol bullet. The ball was flattened and enlarged about the forward end, and it is possible the slight difference in weight is due to abrasion. The service pistol bullet is, however, hollowed at the rear, to act as gas check on discharge of the cartridge, while the bullet taken from the body of Deiss was evidently solidly molded, it giving no evidence of having been countersunk.

While these facts raise a doubt as to the character of the pistol used, and by so far leaves the theory open that some of the citizens standing by might have fired the shot which took effect upon the person of Deiss, it still remains true that some of the soldiers might have carried pistols other than the service pistol, and that the weight of the facts so far known strongly favor the presumption that the shot was fired by one of the soldiers.

In this relation it is but just to add that Company K of the Twenty-fourth Infantry was not permitted to leave their coaches in a body. The first sergeant and quartermaster-sergeant were, however, given authority by Captain Cabaniss, commanding, to let trusted men leave the coach when the train stopped. Captain Cabaniss had left Fort Assiniboine some days before, traveling alone with his command to Ogden, and during the trip kept guards over the doors of the coaches occupied by his men. He continued this method after joining Major Noble's command at Ogden. His noncommissioned officers hold, and the citizens at Winnemucca admit, this company gave no trouble. While this does not make it conclusive that a man of this company could not have done the shooting, the evidence is conclusive that reasonable precautions were observed by Captain Cabaniss to prevent depredations on the part of his men.

In reply to direct questions, Captain Cabaniss informed the undersigned that he heard nothing said about an officer of the day or guard in Major Noble's command, but did hear, in a general way, that company commanders were held responsible for the conduct of their men. He also affirmed that the men of the Twenty-fifth Infantry appeared to have liberty to leave the train in any numbers whenever it stopped. An account of the conduct of the affair by the "Silver State," published in Winnemucca on the 30th of June, is inclosed.

As companies L and M, Twenty-fifth Infantry, were on board transport at sea bound for Manila before complaint was made of their conduct at Winnemucca, the following conclusions as to the facts must of necessity rest upon ex parte information:

First. No officer of the day or guard were on duty with Major Noble's command on the 29th of June, 1899.

Second. The enlisted men of the Twenty-fifth Infantry were permitted to leave the train without restraint or watchful supervision when absent therefrom.

Third. That the destruction of property and wounding of Christopher Wilhelm Deiss, in "Berte" Klucny's saloon, are due to the disorderly conduct and criminal actions of the enlisted men of Companies L and M, Twenty-fifth Infantry.

Fourth. That after the event the commanding officer made due effort to identify the guilty parties.

Very respectfully,  
S. W. GROESBECK,  
Judge-Advocate, United States Army.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,  
San Francisco, Cal., July 15, 1899.

Respectfully forwarded to the Adjutant-General of the Army, with recommendation that \$250 be stopped from officers and enlisted men of Companies L and M, Twenty-fifth Infantry, and paid to Mr. C. W. Deiss, barkeeper of Berte Klucny's saloon.

No remuneration for damages to Klucny's saloon should be made, as he declines to state his loss.

WM. R. SHAFER,  
Major-General, Commanding.  
[Inclosures.]

A.

Personally appeared W. H. Skinner, who, being duly sworn, says he resides in Winnemucca, State of Nevada; that he is employed by the Southern Pacific Railway Company as roundhouse helper; that he was in Klucny's saloon and restaurant (that he boards there) on the evening, after dark, of the 29th day of June, 1899, when a number of colored soldiers crowded into the saloon; that the soldiers were noisy and seemed to be in an ugly mood; that he thought they would make trouble, and, out of apprehension, left the saloon and went away about his duties; that while at work a little later he heard shooting, and that a man was reported shot; that he does not know who did the shooting.

Affiant further states that toward midnight of the same day he again visited Klucny's saloon and noticed that the mirror was broken and that there were fragments of glasses and bottles about the bar.

Further deponent saith not.

Subscribed and sworn to this 7th day of July, 1899, at Winnemucca, Nev.  
S. W. GROESBECK,  
Judge-Advocate, U. S. Army.

Personally appeared John May, who, being first duly sworn, says his residence is Battle Mountain, State of Nevada; that at present he

is living at Winnemucca, in the employ of the Southern Pacific Railway Company as caller; that he was in Klucny's saloon on the evening of the 29th day of June, 1899, when a lot of colored soldiers came into the saloon; that at first these soldiers appeared to be good-natured, but were so noisy and boisterous that he, the affiant, feeling afraid of them, got up to leave the barroom to go into the adjoining room, which is a dining room; that before leaving the room he saw soldiers jump over the bar and take bottles—does not know how many; that he, the affiant, had just passed into the dining room when shots were fired and "Chris Deiss," who was in the barroom, fell into the doorway between the two rooms; that affiant then helped to take care of Deiss, who appeared to be badly hurt, but knows not who hurt him. And affiant further says that about a half hour after the shooting he went through the saloon again; that he saw the broken looking-glass, but did not notice any other damage to property. No property in the dining room was injured. Further deponent saith not.

JOHN MAY.  
Subscribed and sworn to before me at Winnemucca, Nev., this 7th day of July, 1899.

S. W. GROESBECK,  
Judge-Advocate, U. S. Army.

WINNEMUCCA, NEV., July 7, 1899.

Maj. STEPHEN W. GROESBECK,  
Judge-Advocate, U. S. Army.

SIR: In response to your verbal request I herewith submit a statement of the injuries sustained by Christopher Deiss, of this place, at the hands of a soldier of the Twenty-fourth or Twenty-fifth Regiment Infantry.

The bullet struck Deiss just below the border of the anterior superior spinous process of the ilium. The ball ranged downward, seemingly following the tensor vaginal femoris muscle for several inches, then backward into the gluteal region, coming to within a short distance of the surface.

I removed the ball, which was somewhat flattened, finding it just under the fascia covering the gluteus maximus muscle. It did not penetrate all the tissues covering the ilium, consequently did not strike that bone.

I am inclined to think it did strike the femur, but am not positive. As the leg has been kept perfectly at rest, I am unable to state what, if any, damage was done the femur, but do not think there was any.

Particles of trousers and drawers and two shirts were probably carried into the wound.

Pus is present at the wound of entrance, though to a very limited extent. The temperature was 101.2° at 6 p. m. of the third day, but with that one exception both pulse and temperature have been normal.

The treatment has been purely antiseptic dressing and the patient is, so far as I can see, recovering very nicely.

I have the honor to remain, yours, respectfully,

W. L. SAMUELS, M. D.

[From the Silver State, Winnemucca, Nev., Friday evening, June 30, 1899.]

BULLETS FLY IN THE WINNEMUCCA STREETS—CHRIS. DEISS SHOT DOWN BY A NEGRO SOLDIER—KLUCNY'S SALOON RAIDED BY ARMED ROWDIES—FURNITURE SMASHED AND STOCK STOLEN—EFFORTS MADE TO DISCOVER THOSE MEN WHO FIRED THE SHOTS—AN ANXIOUS COMMANDING OFFICER AND HIS IMPUDENT SUBORDINATES—TRAIN HELD BY THE CIVIL AUTHORITIES—OFFENDERS ESCAPE.

About 8 o'clock last night a special train arrived from the east carrying colored troops. Shortly after its arrival the people uptown were startled by hearing pistol shots, several in succession, accompanied by shouting and yelling. Crowds gathered from all directions and made directly for B. Klucny's restaurant and saloon, where the trouble occurred.

The crowd found Chris. Deiss, who is in the employ of Mr. Klucny, with a dangerous bullet wound in the right side, made by a .38 caliber revolver, a broken mirror behind the bar, and a wrecked saloon.

Two sections of troop trains, running as second and third sections of No. 4, were scheduled to arrive at Winnemucca about 5.30 and 8 p. m., respectively.

The first train carrying soldiers arrived in the neighborhood of 6 o'clock. This section carried colored troops, all members of the Twenty-fifth Infantry, United States Army, General Burt, commanding, being along, with several officers. The soldiers on this train were very orderly.

As soon as the second section, carrying colored troops, stopped at the depot there was a general piling off of black men and a rush made for the neighboring saloons, while the officers repaired to the Lafayette Hotel on Railroad street, where they were served with supper.

Maj. C. H. Noble, Twenty-fifth Infantry, United States Army, was in command, with 340 men, accompanied by Captain Shattuck, commanding Company L, First Lieutenant Hunt, commanding Company M, and Lieutenants Lyon, Enoch, McNally, and Straat, all of the same regiment.

Capt. Archibald A. Cabaniss, of the Twenty-fourth Infantry, was on this section, in command of Company K, composed of 110 men.

He had been ordered to San Francisco, with his command, for duty in the Philippines, from Fort Assiniboine, Mont., which place he left last Sunday. Upon arriving at Spokane, Captain Cabaniss was ordered to San Francisco, via Ogden, on account of the trestle near Grants Pass, on the Oregon and California Railroad, being impassable. He arrived at Ogden in time to join the second section, carrying troops of the Twenty-fifth Infantry from Fort Logan to San Francisco. This command occupied the first two cars and behaved themselves like soldiers.

In the neighborhood of 30 negroes entered Klucny's saloon. They had not been in there over five minutes before it was apparent that trouble was brewing. Several railroad boys were in the saloon when the crowd of soldiers entered. As soon as they saw that the black skins were evidently looking for trouble the railroad men left the building. A few of the negroes drank the liquors called for and paid for them. Rough talking and drinking increased and excitement intensified until one big, burly negro climbed over the bar with his dagger bayonet in one hand and made for Mr. Klucny, who had been attending to the wants of the soldiers. During the mix-up other soldiers stole all the bottled goods they could lay their hands on. One fellow took a half pint flask of whisky, drank it at the end of the bar, and when empty deliberately threw the bottle at the mirror behind the bar, breaking both flask and looking-glass.

The crowd then got out of the saloon, save one, who was helping himself to bottled goods. When he started the soldiers, having remained on the sidewalk in front of the saloon, set up a howl and began shooting right and left. One shot took effect in the partition over the



entrance to the restaurant and another in the right side of Chris Deiss. He at that time was standing near the door between the saloon and dining room. In the restaurant a recruit named Frank Weld was buying a lunch from the Chinaman when Deiss fell to the floor, wounded in the side. Weld, seeing Deiss crawling on his hands and knees, went to him and assisted him to the rear room, from whence he was carried to the house in the rear of the saloon.

When the discharging of firearms began, the negroes made for their respective cars helter-skelter.

At that time the officers were eating supper and the soldiers took the occasion to raid the saloon. They had been successful on such an expedition at Carlin, and, evidently having exhausted the supply from that place, thought it about time to make another foraging trip and replenish their haversacks.

At Carlin yesterday afternoon an assembly was being sounded announcing the departure of the train the negro soldiers were in J. Isola's saloon. Upon hearing the bugle call they stampeded and got away with about two dozen flasks of whisky. The proprietor was helpless to do anything and had no time to make complaint to the officers, the train pulling out from the station immediately after the raid.

One of the officers was asked if the men had been orderly since leaving Fort Logan, to which he replied in the affirmative, and when told of the trouble at Carlin he emphatically denied it, saying that he was present in the saloon and knew personally that there was no such an occurrence; but there were two railroad men in Winnemucca last night who had just arrived from the East and were eyewitnesses to the affair, and Mr. Lieutenant was called to time in short order.

If his own statements were correct that he was in the saloon with the negroes at the time, then he must have been a party to the affair, and his actions last night at this place indicated that he would not be beneath such a trick.

News of the shooting spread over the town. Sheriff McDeid, Deputy Sheriff Rose, and Constable Moore were on the scene within a few minutes after the trouble, as was Dr. W. L. Samuels, who attended the wounded man. The bullet entered Deiss's right side, striking the pelvis and ranging downward. It was found about half an inch under the skin in the back and upper portion of the right leg. Doctor Samuels extracted the bullet.

The officers in command of the negroes endeavored to make out that the bullet was not one fired from a Government revolver. Upon examination of the bullet from the discharged cartridge with a Government thirty-eight, no difference was discovered.

Sheriff McDeid notified Major Noble that the train would be held at this point until the man who did the shooting was apprehended. A guard was put on each car and no man allowed to make his exit, while Sheriff McDeid, in company with an officer, went through the train and examined every pistol in possession of a sergeant and musician. The officers claimed that revolvers had been issued to none but sergeants and musicians, and that they had been in possession of such only since last Tuesday, the day they took their departure from Fort Logan.

The only suspicious-looking pistol was a sergeant's from K Company, Twenty-fourth Infantry, but one shot remaining in the revolver. This was in the possession of Sergeant Cook. Upon being examined, it showed that the revolver had not been discharged recently, and the sergeant stated that he had fired the five shots at rabbits when leaving Fort Assiniboine.

After two hours' search through the cars each company was checked up and from appearances found to be all present.

Each company was lined up in single rank and roll called. When each man's name was called, "here" came from some dark spot in the line, indicating that the owner was present, but that was not always true. A reporter was passing up and down the line, and from personal knowledge knows of two instances in Company M where two men responded "here" for two separate names. After roll call, lanterns were brought forward, and Frank Denning, Jack May, John Sterling, and Frank Marchand, who were in the saloon when the soldiers entered, passed down the line inspecting each face, endeavoring to discern the features of some familiar-looking negro, but without any results being obtained.

After Company M, Lieutenant Hunt commanding, had been inspected and "dismissed," the members made a rush for their cars, letting forth an unearthly yell in defiance to the authorities.

The officers made a rush toward the cars, endeavoring to suppress the yelling, but without avail until the colored troops were in the cars.

Four hours of continued search revealed no one with a revolver that had been discharged, and only two men identified as having been in the saloon. One, Sergeant Smith, claimed to have left before the fracas took place, and a private named Porter evidently knew more about it than he wanted to. He became somewhat entangled upon being questioned by District Attorney Van Duzer, making statements that showed conclusively that he was pretty well acquainted with the condition of affairs at the time of the trouble.

Just at the time when all hope of discovering the guilty parties had been given up, Private Frank Weld, a white recruit, who was picked up down the road, he having been left a few days previously by the train pulling out before he could get to it, came forward and stated that he could positively identify the negro who jumped over the bar and stole several bottles of beer. He stated that this negro was a member of Company L, and known to the men of that company as being a very ticklish fellow.

Sheriff McDeid with the recruit and Captain Shattuck passed through the cars which Company L occupied. Many of the men were found to be asleep or playing possum, and Weld was unable to identify his man, but said he could in daylight and would point him out in the morning to his captain.

Then followed a long jangle between Major Noble and Agent S. H. Kitto arrayed on one side and the prosecuting attorney on the other.

Papers were served by the sheriff upon S. H. Kitto, forbidding him to allow the train to leave the station before daylight unless the men who did the shooting and stole the goods were turned over to the civil authorities.

Major Noble said it was an outrage to hold the train any longer, it then being 1.30 in the morning; that he had done everything in his power to help the authorities in the search for the guilty men; that he deprecated the affair, but could not see as anything else could be done. Continuing, he said that holding the train here was delaying the sailing of the transport *Pennsylvania*, on which his troops were to embark. This was in the nature of a bluff, and the prosecuting attorney remained firm in his determination to hold the train until daylight and have the thief identified by the white recruit.

In the meantime Major Noble telegraphed to Gen. A. S. Burt, who was on the section ahead, that they were being held at Winnemucca on

account of "an accident," not divulging to the commanding officer the nature of the trouble.

When the authorities began to settle down to business with a view of accomplishing their object, the military officers positively refused to do anything toward recovering the offenders, and the train was allowed to proceed without any of the guilty parties having been found.

The officers of the companies in the main did what they were asked, but several made considerable of a kick when requested to aid in seeking out the offenders by the major. Captain Shattuck, of Company L, was very gentlemanly and willing to render assistance, but several of the lieutenants took the affair in the nature of a huge joke, doing their work in a don't care manner.

Had either the soldiers who did the shooting or the one who committed the theft been apprehended he would have been punishable under article 58 of the Articles of War. This article provides that in time of war larceny, robbery, arson, murder, assault and battery with an intent to kill, wounding by shooting or stabbing with intent to commit murder, rape, assault and battery, shall be punishable by sentence passed by a general court-martial when committed by persons in the military service of the United States, and punishable in such cases not less than the punishment provided for the like offense by the laws of the State in which such offense may have been committed.

The officers last night stated that traveling under war orders the men were allowed to carry arms under the United States Army Regulations. The blue book, however, explicitly provides that commanding officers shall not give men so armed the privilege to roam about and commit depredations in violation of the State laws.

The affair has not been concluded, although the train has been permitted to leave. The facts will be laid before the Secretary of War, and the officers responsible will no doubt hear from it later.

District Attorney C. D. Van Duzer telegraphed this noon to Major-General Shafter, commanding the Department of the Pacific, with headquarters at San Francisco, notifying him of the affair and charging the officers in charge of the troops with criminal negligence.

Doctor Samuels, the attending surgeon, was seen this noon and questioned as to Deiss's condition. The doctor stated that at noon he was resting very easy, but he had had a terrible night, not sleeping, and attended with much suffering.

It developed this morning that had an inspection been made of every man on the train and his belongings the right soldier who did the shooting would have been located. It is conclusive that a Government revolver was not used, but a pistol of .38 caliber that one of the colored soldiers had stolen from J. Isola's saloon at Carlin.

Conductor Peterson, who brought in No. 3 from the West this afternoon, said that at Wadsworth Major Noble had a guard on at each door of every car and no one but a noncommissioned officer was allowed to get off the train or even as much as to say a word.

Another case of locking the barn door after the horse has been stolen. The little taste of military despotism to which Winnemucca was treated last evening does not turn well on the tongue. Although the people of this community live in the Far West and have not the advantage of that refined standard of law and order of the East, which the Easterner affects to believe is denied us, the citizens of Winnemucca are law-abiding. It may be that it is quite the thing in more civilized communities for armed bullies to wreck business houses and shoot down inoffensive citizens, but such exhibitions are as yet unfamiliar to the people of Winnemucca, Humboldt County, and the State of Nevada. Until Nevadans are educated up to what may be quite the proper thing in more civilized communities, the authorities at Washington must tolerate the protest which goes up from this place against such exhibitions of lawlessness as the War Department brought to our doors last night.

The officers in command of the companies are to be blamed for the disturbance. As has been pointed out in The Silver State from time to time, officers stand quietly by while the ruffians of their commands insult women, and, so far as they dare, terrorize men. It has not been a fortnight since Deputy Sheriff Rose was obliged to take charge of a blue-coated scoundrel who grossly insulted a number of ladies who had assembled at the station to take leave of a wedding party which was on its way to California. Such scenes of riot as disgraced the United States Army last night are threatened every time a train load of soldiers passes through this place.

The shooting of Deiss last night was merely an incident. Such shooting may occur any time such ruffianly scoundrels, who appear to hold themselves above the law, may take it into their heads to raid saloon or business house. No doubt had the foul-mouthed fellow whom Sheriff Rose took to task a week ago Sunday been armed, shooting would have ensued. The people, not only of Winnemucca, but of every station along the road, have the right to demand protection from such rowdism. If the War Department is unwilling or unable to protect the people from the insults and murderous assaults of the soldiers, there are ways by which women and children can be protected and property preserved. No man is worthy of the name who will stand quietly by and see his wife and daughter insulted by a ruffian, whether he be in uniform or out.

Something must be radically wrong when the citizens of this Republic are terrorized by the soldiers whose only excuse for being is that they preserve the peace and quiet of the nation.

AFFAIR AT SAN CARLOS AGENCY, ARIZ., OCTOBER 13, 1899.

[Telegram.]

DENVER, COLO., October 15, 1899.

ADJUTANT-GENERAL, Washington, D. C.:

Commanding officer, San Carlos, reports that Friday night about twelve of command made attack on four peaceful Indians, beating them severely. All efforts being made to discover guilty parties. Bad feeling among Indians. Will report when matter more thoroughly investigated.

MERRIAM, Brigadier-General.

[Telegram.]

DENVER, COLO., October 15, 1899.

ADJUTANT-GENERAL ARMY, Washington, D. C.:

Have ordered Colonel McGregor, Ninth Cavalry, Fort Grant, to proceed in person immediately to San Carlos and investigate disturbance between soldiers and Indians. Have also ordered one troop of cavalry to follow him soon as possible and take temporary station there.

MERRIAM, Brigadier-General.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 16, 1899.

The SECRETARY OF THE INTERIOR,  
Washington:

The following telegrams from the commanding general, Department of Colorado, are sent you for your information:

ADJUTANT-GENERAL, Washington, D. C.:

Commanding officer, San Carlos, reports that Friday night about twelve of command made attack upon four peaceful Indians, beating them severely. All efforts being made to discover guilty parties. Bad feeling among Indians. Will report when matter more thoroughly investigated.

MERRIAM, Brigadier-General.

ADJUTANT-GENERAL ARMY, Washington, D. C.:

Have ordered Colonel McGregor, Ninth Cavalry, Fort Grant, to proceed in person immediately to San Carlos and investigate disturbance between soldiers and Indians. Have also ordered one troop cavalry to follow him soon as possible and take temporary station there.

MERRIAM, Brigadier-General.

ELIHU ROOT,  
Secretary of War.

DEPARTMENT OF THE INTERIOR,  
Washington, October 17, 1899.

Hon. SECRETARY OF WAR.

SIR: I have the honor to transmit herewith copy of a communication of 16th instant, from the Commissioner of Indian Affairs, repeating telegram from Capt. W. J. Nicholson, United States Army, acting Indian agent, San Carlos Agency, Ariz., relative to a murderous assault made by twelve or fifteen soldiers upon four peaceful Indians belonging to said agency, and also copy of telegram from Captain Nicholson, dated 16th instant, addressed to the Department on the same subject.

Captain Nicholson reports very bad feeling between soldiers and Indians and states that negro soldiers should not remain at the agency, and that if this company is not immediately removed he fears serious trouble.

In view of the statements made by Captain Nicholson, I have the honor to suggest the advisability of removing this company from the San Carlos Reservation without delay.

Very respectfully,

THOS. RYAN,  
Acting Secretary.

[Inclosure No. 1.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, October 16, 1899.

The SECRETARY OF THE INTERIOR.

SIR: This office has the honor to repeat herewith a telegram, dated the 14th instant, received from Capt. W. J. Nicholson, United States Army, acting Indian agent, San Carlos Agency, Ariz., which reads as follows:

"Last night twelve to fifteen soldiers made murderous attack upon four peaceful Indians without provocation, beating them to insensibility with clubs. Very bad feeling between soldiers and Indians. If this company is not immediately removed, fear serious trouble. Doing all in my power to punish guilty parties."

The office has no information concerning this affair other than the telegram above quoted, from which it would seem that the prompt removal of the company to which the offenders belong from San Carlos is desired by the acting agent, in order to prevent serious trouble. It is therefore respectfully recommended that a copy of this letter be transmitted to the War Department, with request that such action be taken as may be deemed necessary in the premises, to the end that the threatened trouble may be averted and the guilty parties punished.

A copy of this report is inclosed herewith.

Very respectfully, your obedient servant,

A. C. TONNER, Acting Commissioner.

[Inclosure No. 2—Telegram.]

SAN CARLOS, ARIZ., October 16, 1899.  
(Via Holbrook, October 17.)

Hon. SECRETARY OF INTERIOR DEPARTMENT,  
Washington, D. C.:

Saturday night ten or twelve negro soldiers made a murderous assault on four sleeping Indians, beating them to insensibility with clubs. Made one arrest so far. Hope to make others. Have every confidence in me. Negro soldiers should not remain here. All quiet.

NICHOLSON, Agent.

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 17, 1899.

COMMANDING GENERAL, DEPARTMENT OF THE COLORADO,  
Denver:

Upon telegram from acting Indian agent, San Carlos, of very bad feeling between soldiers and Indians, and that if negro soldiers are not removed he fears serious trouble, Interior Department has suggested the advisability of removing this company from the San Carlos Reservation without delay. Secretary War approves and Major-General Commanding suggests that D. Seventh Infantry, be sent from Fort Crook to replace C. Twenty-fifth, which might join home battalion in Texas. Secretary War would like your views at once.

H. C. CORBIN, Adjutant-General.

[Telegram.]

DENVER, COLO., October 17, 1899.

ADJUTANT-GENERAL,  
Washington, D. C.:

Already prepared to remove colored infantry from San Carlos. Troop Ninth Cavalry en route now for purpose. Perhaps white men less likely to provoke trouble. Company Seventh Infantry from Crook and Roots could go San Carlos, and infantry from San Carlos take station at Roots and Mackenzie. Should have at least two experienced officers for that plan. Preferably put whole company at Roots and leave Mackenzie in charge quartermaster's agent for winter. Cavalry troops to remain at San Carlos till white company arrives. See also my telegram yesterday regarding Roots and Mackenzie.

MERRIAM, Brigadier-General.

[First indorsement.]

HEADQUARTERS OF THE ARMY,  
Washington, D. C., October 18, 1899.

The Major-General Commanding recommends as follows:  
Company D, Seventh Infantry, Fort Crook, to be ordered to San Carlos, Ariz. The company of the Twenty-fifth Infantry now at San Carlos to be ordered to Texas, reporting by telegraph to the department commander for assignment to a station. The commanding general Department of the Missouri to send one company of the First Infantry from Fort Leavenworth, Kans., to Fort Logan H. Roots, Ark., for station, and one company of the Tenth Infantry from Fort Crook, Ariz., to Fort Mackenzie, Wyo., for station.

J. C. GILMORE,  
Assistant Adjutant-General.

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 20, 1899.

Respectfully returned to the Major-General Commanding the Army to know if, in consideration of the accompanying telegram of the 19th from General Merriam, he will recommend any change from the instructions given in preceding indorsement of October 18.

JOHN A. JOHNSTON,  
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,  
Washington, D. C., October 20, 1899.

The Major-General Commanding adheres to the recommendations contained in the first indorsement hereon.

J. C. GILMORE,  
Assistant Adjutant-General.

[Telegram.]

DENVER, COLO., October 18, 1899.

ADJUTANT-GENERAL,  
Washington, D. C.:

Following received: "San Carlos, 17th; just arrived; B Troop, Captain Finley, commanding, will be here to-morrow; everything seems quiet. McGregor, colonel." I suggest delay moving Seventh Infantry till McGregor's report received.

MERRIAM, Brigadier-General.  
DEPARTMENT OF THE INTERIOR,  
Washington, October 19, 1899.

The SECRETARY OF WAR.

SIR: In connection with previous correspondence relative to the assault by soldiers upon four Indians of the San Carlos Reservation, Ariz., I have the honor to transmit herewith for your information copy of a communication of 18th instant from the Commissioner of Indian Affairs, stating that Captain Nicholson, acting Indian agent, reports under date of 17th instant that the Indians are all quiet and at work on their farms and that there will be no further trouble.

Very respectfully,

THOS. RYAN, Acting Secretary.

[Inclosure.]  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, October 18, 1899.

The SECRETARY OF THE INTERIOR.

SIR: Respectfully referring to office report to you of the 16th instant, repeating for your information a telegram dated the 14th instant, received from Capt. W. J. Nicholson, U. S. Army, acting agent of the San Carlos Agency, Ariz., relative to the murderous assault made by eight soldiers on four peaceful Indians at San Carlos, and recommending that the information be furnished the War Department for its action in the premises, I am now in receipt of a telegram dated the 17th instant, from the acting agent, which reads as follows: "Indians all quieted down and working on farms as usual. We will have no trouble. I think I can apprehend all the offenders."

It is recommended that a copy of this letter be furnished the War Department for its information and consideration in connection with office report of the 16th instant.

A copy of this communication is inclosed herewith.

Very respectfully, your obedient servant,

W. A. JONES, Commissioner.

[Telegram.]

DENVER, COLO., October 19, 1899.

ADJUTANT-GENERAL, Washington, D. C.:

Following just received from Colonel McGregor, San Carlos, Ariz.: "Everything quiet here. All the guilty parties in confinement and will be turned over to civil authorities for trial. Four of them have turned state's evidence." In view of above report, I recommend B Troop, Ninth Cavalry, remain at San Carlos, and C, Twenty-fifth Infantry, march to Fort Grant. Reference my letter October 12. Also renew my recommendation in telegram dated October 16 regarding Roots and Mackenzie.

MERRIAM, Brigadier-General.

WAR DEPARTMENT,  
Washington, October 20, 1899.

SIR: I have the honor to acknowledge the receipt, in connection with previous correspondence relative to the assault by soldiers upon four Indians of the San Carlos Reservation, Ariz., of your letter of the 19th instant, transmitting, for the information of this Department, copy of a communication from the Commissioner of Indian Affairs stating that Captain Nicholson, acting Indian agent, reports that the Indians are all quiet and at work on their farms, and that there will be no further trouble.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

The SECRETARY OF THE INTERIOR.



[Telegram.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 21, 1899.

COMANDING GENERAL, DEPARTMENT OF COLORADO,  
Denver:

Orders to-day, send D. Seventh Infantry, from Fort Crook to San Carlos; the company of Twenty-fifth Infantry at San Carlos to Texas, reporting by telegraph to department commander for assignment to station; one company of First Infantry from Fort Leavenworth to Logan H. Roots, and one company Tenth Infantry from Fort Crook to Fort Mackenzie.

JOHNSTON,  
Assistant Adjutant-General.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,  
Washington, October 21, 1899.

COMMANDING OFFICER, DEPARTMENT OF TEXAS,  
San Antonio, Tex.:

Orders to-day, send C. Twenty-fifth Infantry, now at San Carlos, Ariz., to your department, commanding officer to report to you by telegraph for assignment to station.

JOHNSTON,  
Assistant Adjutant-General.

WAR DEPARTMENT,  
Washington, November 4, 1899.

THE SECRETARY OF THE INTERIOR.

SIR: Referring to previous correspondence in the matter of an assault by certain soldiers of the garrison at the San Carlos Agency, Ariz., upon peaceful Indians located on the reservation, and to copy furnished you on the 16th of October last of a telegram from Brigadier-General Merriam, commanding Department of the Colorado, to the effect that he had ordered Colonel McGregor, Ninth Cavalry, from Fort Grant to San Carlos to investigate the said disturbance, I have now the honor to inclose for your information copy of a report just received from Colonel McGregor, dated October 23, 1899, communicating the result of his investigation.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

[Inclosure.]

FORT GRANT, ARIZ. TER.,  
October 23, 1899.

ADJUTANT-GENERAL,  
DEPARTMENT OF THE COLORADO,  
Denver, Colo.

SIR: In obedience to telegraphic instructions from your headquarters of the 15th instant, ordering me to proceed to San Carlos and investigate disturbance between soldiers and Indians at that post, I left Fort Grant on the morning of the 16th, and arrived at Fort Thomas that afternoon and San Carlos the following day about 1 p. m., and immediately proceeded to make the investigation ordered, and have the honor to report as follows:

On Friday, October 13, 13 men of Company C. Twenty-fifth Infantry, after dark visited a small isolated camp toward the river from the post, and tried to get the Indians to come outside, which they declined to do, and the soldiers left and went across to the other side of the post to a small camp of Tontos. At this camp there were two Indians outside the tepees, one laying down and one Indian police talking to him. The soldiers immediately struck the policeman on the head with a club, also the Indian lying on the ground. Two Indians came running out of the tepees, and they were also struck with clubs. One of the soldiers secured the policeman's pistol.

The squaws in camp aroused the neighboring Indians and the police force, and the soldiers then dropped their clubs and ran toward the post, closely followed by a number of Indians.

About the time they arrived some person shouted fire, and fire call was sounded, so that when the officers arrived on the scene all of the company were out of their quarters and no arrests were made that night.

The Indians who followed the men returned to their camps on being assured by their agent that everything would be done to bring the guilty parties to justice.

The next day the commanding officer confined four men, but discovered later they were not the right ones. The Indians told their agent that the soldiers were led by a white man of the Hospital Corps, and when the man of the Hospital Corps and some light-colored soldiers were assembled in the office three Indians separately went in and picked out Private Morehead, Hospital Corps, and Private Welcome, Company C. Twenty-fifth Infantry, as members of the assaulting party.

Next day Private Briggs was confined, but denied being with the party, but afterwards acknowledged that he was one of them and gave the names of five other men who were present, and said there were others whose names he did not know, but that he knew the men by sight. I had the company assembled, and Private Briggs pointed out Privates Cuthbert, Owens, Trader, and Washington as being of the party that night. As the guardhouse is only a shack, and the prisoners were all huddled together, and I could get no information from them, I had two of them, Musician Savoy and Private Higgins, whom I suspected of being the ringleaders, taken over to the Indian guardhouse and placed in separate cells.

The next day these two men were willing to tell what they knew of the affair, and I had their affidavits taken, which are inclosed and marked A and B. From these affidavits and that of Private Briggs, also inclosed, it will be seen that they all name the same men, and I am satisfied these and no others constituted the party.

Private Young also acknowledged to the commanding officer and myself that he was present and named the same parties, but each and every one emphatically denied that Private Morehead, of the Hospital Corps, was with them or that they saw him on the night in question, which shows that no reliance can be placed on the testimony of the Indians.

The deputy United States marshal went to Globe on Thursday, the 19th instant, and returned with warrants for the thirteen men mentioned in the affidavits on Friday, the 20th instant, when they were turned over to him, and he left with them for Globe that afternoon.

It seems that for some time past men of Company C. Twenty-fifth Infantry, have been in the habit of visiting some of the Indian camps and making improper proposals to squaws, of which the Indians complained, and orders were given for the men to keep away, and the Indian police were given orders to arrest any men found in their camps.

Two men were arrested some time ago and were tried by summary court, and I have no doubt this raid was deliberately planned to get revenge on some of the police.

When I visited the Indians, the day after my arrival at San Carlos, they had gone to their respective work and expressed themselves as perfectly satisfied that everything was being done to bring the guilty parties to justice.

With the exception of neglecting to inform the commanding officer of Fort Grant of the trouble, which might have been a serious matter if an outbreak had taken place, the commanding officer of San Carlos seems to have handled the affair very satisfactorily.

I left San Carlos on the 21st and arrived at this post on the 22d instant.

Very respectfully,

THOS. MCGREGOR,  
Colonel Ninth Cavalry.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,  
Denver, Colo., October 30, 1899.

Respectfully forwarded to the Adjutant-General of the Army for information of the honorable Secretary of War.

The prompt and efficient action of Colonel McGregor, under instructions from these headquarters, appears to have allayed all cause of complaint and all danger of further disorder.

In view of the results, I regret the transfer of the offending company to a choice station at this time.

I hope action may be taken on my letter dated October 12, 1899, asking what shall be the official relation between San Carlos and Fort Grant.

H. C. MERRIAM,  
Brigadier-General, Commanding.

[Subinclosures.]

A.

TERRITORY OF ARIZONA, Post of San Carlos, Ariz. Ter.:

Personally appeared before me Private John Higgins, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says that on Friday night, October 13, 1899, he was one of a party of men who left the post and went among several Indian camps, in one of which some members of the party assaulted the Indians. He further says that Private George Young, Company C, Twenty-fifth Infantry, was the apparent leader of the party, or the one who asked him to join the party, and that said Young was the only man he saw strike an Indian. The following men formed the party: Musician Savoy, Privates Briggs, Atkins, Brown, Cuthbert, Green, Higgins, Owens, Washington, Trador, Young, Price, and Sims. The following man carried a pistol: Private Trador. The following men were seen with clubs: Privates Green, Young, and Atkins.

JOHN HIGGINS,

Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me, at San Carlos, Ariz. Ter., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry,  
Summary Court Officer.

B.

TERRITORY OF ARIZONA, Post of San Carlos:

Personally appeared before me Musician John Savoy, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says that on Friday night, October 13, 1899, he was one of a party of men who left the post and went among several Indian camps, in one of which some members of the party assaulted the Indians. He further says that Private John Cuthbert, Company C, Twenty-fifth Infantry, was the apparent leader of the party, or the one who asked him to join the party. He further says that Private Young, Company C, Twenty-fifth Infantry, was the only man he saw strike an Indian, and that said Young also took a pistol from one of the Indians. The following men were of the party: Privates Cuthbert, Young, Briggs, Price, Atkins, Washington, Brown, Green, Higgins, Owens, Trador, Sims, and Musician Savoy. The following men carried pistols: Privates Trador and Owens. The following men carried clubs: Privates Cuthbert, Young, Briggs, Sims, Green, Price, Atkins, Washington, and Brown.

JOHN SAVOY,

Musician, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me, at San Carlos, Ariz. Ter., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry,  
Summary Court Officer.

C.

TERRITORY OF ARIZONA, Post of San Carlos:

Personally appeared before me Private Aby Briggs, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was asked by Musician John Savoy, Company C, Twenty-fifth Infantry, to join a party going among some Indian camps. He joined said party, Savoy being the apparent leader, and was with the party when the assault was made on an Indian camp, and that he saw Privates Young and Atkins hit some Indians, Young exclaiming before he struck, "Here is the son of a — we are after," or words to that effect. The following men were of the party: Musician Savoy, Privates Briggs, Atkins, Brown, Cuthbert, Green, Higgins, Owens, Washington, Trador, Young, Price, and Sims. The following men were carrying clubs: Musician Savoy, Privates Atkins and Briggs.

ABY BRIGGS,

Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me at San Carlos, Ariz., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry,  
Summary Court Officer.

D.

TERRITORY OF ARIZONA, Post of San Carlos:

Personally appeared before me Private George W. McMurray, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was awakened by some one knocking at the door and he got out of bed, opened the door, and saw several Indians, who exclaimed, "Man, man." They soon left, and he then noticed behind the door a man who proved to be Private

Briggs, Company C, Twenty-fifth Infantry, who, when questioned, admitted that he had been chased by Indians and that during the chase an Indian caught him by the collar, but he (Briggs) immediately knocked him down. He also made the remark, "We have been fighting like the devil," or words to that effect. He also said that Musican Sevoy, Privates Sims, Young, and others were with him in that fight, or words to that effect.

GEORGE W. McMURRAY,  
Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before [me] at San Carlos, Ariz., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry,  
Summary Court Officer.

E.

#### TERRITORY OF ARIZONA, Post of San Carlos:

Personally appeared before me Cook Reuben Lewis, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Saturday morning, October 14, 1899, about 5:30 o'clock a. m., Private Briggs, Company C, Twenty-fifth Infantry, came into the company kitchen and made the following remarks:

"Lewis, there was a terrible stir last night, and they like to get me," or words to that effect. During the conversation that followed he said that he, Musican Sevoy, Privates Sims, Counts, Young, and others had taken part in the disturbance the previous evening.

REUBEN LEWIS,  
Cook, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry, Summary Court.

F.

#### TERRITORY OF ARIZONA, Post of San Carlos:

Personally appeared before me Private George H. Smith, Hospital Corps, U. S. Army, who, being duly sworn, deposes and says: That on Friday afternoon, October 13, 1899, Musican Sevoy, Company C, Twenty-fifth Infantry, did say, "Smith, there is going to be trouble to-night," or words to that effect.

GEORGE H. SMITH,  
Private, Hospital Corps, U. S. Army.

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry, Summary Court.

G.

#### TERRITORY OF ARIZONA, Post of San Carlos:

Personally appeared before me Private Erasmus T. Dabbs, Company C, Twenty-fifth Infantry, who, being duly sworn, deposes and says: That on Friday night, October 13, 1899, he was awakened by some one knocking at the door, and he got out of bed, went to the door, and saw several Indians, who exclaimed, "Man, man;" they soon left, and he then noticed behind the door a man who proved to be Private Briggs, Company C, Twenty-fifth Infantry, who he heard say to Private McMurray, "I will tell you later."

ERASMUS T. DABBS,  
Private, Company C, Twenty-fifth Infantry.

Sworn to and subscribed before me at San Carlos, A. T., this 18th day of October, 1899.

G. D. ARROWSMITH,  
First Lieutenant, Twenty-fifth Infantry, Summary Court.  
[Telegram.]

SAN ANTONIO, TEX., November 12, 1899.

#### ADJUTANT-GENERAL,

War Department, Washington, D. C.:

Report arrival of Company C, Twenty-fifth Infantry, 100 enlisted men, Capt. C. L. Hodges, First Lieut. G. D. Arrowsmith, 8 p. m., November 11.

HODGES, Commanding.

AFFAIR AT EL PASO, TEX., FEBRUARY 16-17, 1900.

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, February 21, 1900.

#### The ADJUTANT-GENERAL, U. S. ARMY,

Washington, D. C.

SIR: I have the honor to furnish herewith, for the information of the Department, the following report received from the commanding officer, Fort Bliss, Tex., on the recent disturbance at El Paso, Tex.

FORT BLISS, TEX., February 19, 1900.

ADJUTANT-GENERAL DEPARTMENT OF TEXAS,  
San Antonio, Tex.

SIR: I have the honor to report that sometime during the night of 16th to 17th instant a number of men of Company A, Twenty-fifth Infantry, took rifles from the arms racks and went to the city jail of El Paso, Tex., where two soldiers were held for trial by the city authorities on charge of drunk and disorderly, fired into the city jail, killing one policeman on duty there. Corpl. James W. Hull, Company A, Twenty-fifth Infantry, was killed. The noncommissioned officer in charge of barracks permitted the keys of the arms racks to get out of his possession. It is believed now that he was one of the party.

As soon as I learned of the outrage (7 o'clock the 17th) the whereabouts of every man was ascertained, the arms and all ammunition were secured and placed under lock and key, and every precaution taken to prevent any soldier leaving the limits of the post.

It is needless to say that I am doing everything in my power to find the guilty parties. Believe I have the leader.

The civil authorities, both city and county, have been very courteous and considerate, and have accepted my assurances that I will do all in my power to bring the guilty parties to justice. I will report by wire whenever necessary.

Very respectfully,  
R. H. R. LOUGHBOROUGH,  
Captain, Twenty-fifth Infantry, Commanding.

Very respectfully,  
CHAMBERS MCKIBBIN,  
Colonel Twelfth Infantry, Commanding.

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, March 1, 1900.

#### The ADJUTANT-GENERAL, UNITED STATES ARMY,

Washington, D. C.

SIR: I forward herewith report of the investigation of the recent troubles at El Paso, Tex., made by Lieutenant-Colonel Roberts, acting adjutant-general of the department, to which attention is respectfully invited.

There seems to have been no indications from which any disorder of the kind could have been anticipated and certainly no excuse for the assault on the jail which resulted so unfortunately, and it is also probable that the parties connected with it had no intention of adding murder to the crime of assault.

The incident, however, shows that at all posts in this department garrisoned by single companies of colored soldiers similar disturbances are liable to occur without warning, due to fancied wrongs and the effort to take matters into their own hands. In the present instance there can be no possible excuse offered, and it can not even be suggested that the arrest of Corporal Dyson was not warranted.

The incident also emphasizes the need for a full complement of officers at all one (1) company posts. One officer can not alone properly and efficiently administer the affairs at these posts and at the same time pay the attention to the instruction and discipline of their companies, consisting so largely of recruits, with noncommissioned officers of comparatively short service and insufficient experience, which is absolutely necessary.

Captain Loughborough is an officer of great experience, and one of the most conscientious and efficient officers in the Army, but the nature and scope of his duties prevent his being so closely in touch with his men as is essential to best results with this class of troops, which, unquestionably, requires stricter discipline and more constant oversight than white troops. This is largely due to the fact that since the increase in size of the companies recruits have been largely drawn from sections where colored men have less independence of character and freedom from control, and less care has been taken in their selection.

There is, unquestionably, a very strong prejudice throughout all the old slave States against colored troops, and this is quite a separate feeling from the ordinary race prejudice which is, perhaps, less at El Paso than at other border towns in this department. A colored man in uniform represents authority, and this idea suggests superiority, which is bitterly resented. It is not because the colored soldier is disorderly—for, as the rule, they behave better than white soldiers, and, even when drunk, are less troublesome to manage—but because they are soldiers.

Regiments of colored troops have been organized in accordance with acts of Congress and are part of the military establishment, and it can not be expected that the Government of the United States shall accept dictation in deciding upon the use to be made of them or their stations.

In this connection I desire to call attention to the statement in Lieutenant-Colonel Roberts's report with reference to the published article in an El Paso newspaper giving an alleged interview with Hon. Moses Dillon, United States collector of customs. This is not the only occasion which has come to my knowledge in which expressions of this kind have been indulged in by Federal officials. While it is impossible to protect colored soldiers from insults from the hoodlum class or from unjust discrimination in border towns where the right of drunken cowboys and other white men to "shoot up the town" upon occasions is tacitly recognized, it is submitted that the Government is entitled to expect that the utterances of Federal officials should tend to allay, rather than to intensify, local excitement and prejudice, and especially when they are, presumably, politically in sympathy with the present Administration.

It is to be regretted that it is impossible to fix responsibility more definitely upon the participants, but it is believed that the investigation which is being conducted will eventually disclose all the guilty parties.

The precautions taken by Captain Loughborough to prevent further disturbance seem to be all that are possible.

Very respectfully,

CHAMBERS MCKIBBIN,  
Colonel Twelfth Infantry, Commanding.  
[Inclosure.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, February 28, 1900.

#### The ADJUTANT-GENERAL, DEPARTMENT OF TEXAS.

SIR: In compliance with the instructions of the department commander, I have to report that I proceeded on the 20th instant to Fort Bliss, Tex., to investigate the recent troubles at that post, returning yesterday.

I have to report as follows:

That during the night of February 16-17 Sergt. John Kipper, Corpl. Samuel E. Dyson, and Privates Davis and Wright, all of Company A, Twenty-fifth Infantry, were on pass in the city of El Paso. It appears that Corporal Dyson became more or less intoxicated, and about 1:30 a. m., February 17, was arrested by the police and confined in the city jail. Sergeant Kipper, with Privates Davis and Wright, went to the jail and endeavored to obtain Dyson's release by giving bail or paying a fine, but were informed it was too late, that the official who had authority to accept bail had gone home, and that the man could not be released before morning.

Sergeant Kipper and party then left the jail, and, it is presumed, returned to the post. At about 2:30 a. m. he was seen riding into the post on a bicycle by the sentry on the road leading to El Paso. At about 3 a. m. Private Harris says Sergeant Kipper came into his squad room, went to his bunk, awakened him, and told him to come with him and get Corporal Dyson out of jail. He also at the same time pulled the blanket from over Private Coffey's face and lighted a match. Private Coffey recognized Sergeant Kipper, who did not speak, but went to Harris's bunk. Coffey heard Kipper ask Harris to go with him to get Dyson out of jail, and Harris's reply, "I am sick and won't go with you."

The noncommissioned officer in charge of quarters was Corpl. Gardner Davis, who says that after taking check roll call at 11 p. m. he went to bed and had the keys of the gun racks under his head; that some time in the night they were removed without disturbing him. It appears that two arm racks were unlocked and eight rifles taken out; also that two of the fire axes from the rack outside the company quarters were taken.

The night force on duty at the city jail consisted of a mounted



policeman named Newton Stewart, and the jailer, "Dick" Blacker, who says that about 5 o'clock a. m. he was awakened by shots, and that he saw one man in the door of his room, who fired at him; that he returned the fire and then jumped out of the window. He saw only the one man and can not recognize him—indeed, was so much frightened that it is doubtful if he saw anyone or not. A number of men from the engine room next door, alarmed by the firing, rushed in and found the policeman, Stewart, unconscious. He died about 7 a. m. without regaining consciousness. The firemen followed a trail of blood leading from the police station about 150 yards and found the dead body of Corpl. James H. Hall, with his rifle by his side. The keys of the arm racks which had been opened were found in his pockets.

So far as can be learned, the only person other than the jailer, Blacker, who saw anything of the party was a man named Stoltz, who says that about 5 a. m. he saw a party of about ten or twelve soldiers; that though he did not observe them closely, he noticed that each had a rifle and one had an axe, and that they turned down the street toward the jail. He heard no words. He was on his bicycle hurrying to his work at Nation's meat market, and can not identify any of them.

The following-named men, against whom circumstances point most strongly, were on the 22d instant turned over to the civil authorities, and are now confined in the county jail at El Paso [sic], viz, Sergt. John Kipper, Corpl. William Powell, and Private Leroy Roberts. The circumstances which indicate the complicity of these men are as follows: Sergt. John Kipper, in addition to circumstances narrated above, was seen by members of the Hospital Corps just before reveille on the morning in question, in company with another man, in the chaparral in the act of pulling off a pair of canvas trousers, and, shortly afterwards, the musician of the guard saw Private Leroy Roberts coming into the garrison from the east side, followed a few minutes later by Sergeant Kipper. A canvas suit with Sergeant Kipper's name inside the trousers was found concealed in a tile pipe in rear of the bakery. In one of the squad rooms of the vacant barracks two rifles and two suits of canvas clothing were found and Corporal Powell's name was on one of the coats.

In addition to the three rifles above, one was found in the chaparral near the hospital, one was brought in by a civilian, and one was found a short distance from the city jail, making six in all, leaving two missing.

In addition to the three men turned over to the civil authorities, the following are held in confinement at the post under suspicion: Corpl. Gardner Davis, who was noncommissioned officer in charge of quarters on the night in question; Privates Davis and Wright, who visited the jail with Sergeant Kipper, and Private Elmore Sears. There are also two or three others under surveillance as suspects, though there is so far nothing tangible connecting them with the occurrence.

On the morning of July 23 Corporal McElroy, noncommissioned officer of the guard, deserted after posting the 7 a. m. relief, taking his arms and equipment, which were shortly afterwards found near the post. This man had been suspected, but as there was no implicating evidence against him he had not been arrested.

The above is practically all that has been discovered with reference to the affair up to this time. The information is far from satisfactory, but it is believed within a few days other circumstances will be discovered which will weave a mesh of evidence around the guilty parties.

I remained at Fort Bliss until the afternoon of the 23d. I made no independent investigations, believing it better not to interfere with Captain Loughborough and the civil authorities, who are working in thorough harmony. I had interviews with the mayor of the city, the sheriff of the county, the district attorney, and many prominent citizens. All spoke in high praise of Captain Loughborough, and all expressed perfect confidence in his discretion and good faith.

I was assured by all that there was absolutely no danger of lynch violence, of which I felt some anxiety on account of the excited condition of the community.

The grand jury which will investigate the case meets in April, by which time the matter can be examined into more temperately. The district attorney assured me that an absolutely fair trial shall be had and that no conviction shall be found without adequate and unquestioned evidence of guilt.

As the matter stands at present, although circumstances strongly connect Sergeant Kipper with the crime, in the cases of the other men it is weaker, and in none of the cases is there evidence which, in my judgment, would justify conviction. It will probably be necessary to use one or more of the participants as witnesses for the State.

It appears proper in this report to call attention to the existence at El Paso, as well as in all border towns in the State, of a feeling of hostility, or prejudice, to say the least, against colored men in uniform. I doubt if this obtains, at least in El Paso, to the same extent as at Laredo and Rio Grande City, as a race prejudice, as negroes are largely employed as servants or laborers, but against colored men as soldiers the feeling is, perhaps, even stronger. Soldiers from the post are arrested for infractions of police regulations, or when intoxicated, or in the least degree noisy or disorderly, when white men committing the same offenses are not interfered with. It is an unpleasant subject to mention, but it is unquestionably true, that a negro soldier in uniform is frequently subjected to insult, though behaving with perfect propriety, for no other reason than his color. It is impossible to ignore this fact, and so long as colored soldiers are stationed in these border towns there will be troubles of one kind or another, which no care or vigilance on the part of officers can prevent.

The discipline at Fort Bliss may be classed as excellent. Captain Loughborough is an exceedingly conscientious and efficient officer, and yet this trouble occurred and will perhaps occur again when least expected at some other point, and human foresight can not guard against it.

Since the occurrences of the morning of the 17th instant, I am pleased to be able to say that the reports in the newspapers at El Paso on the troubles, and the editorial comments thereon, have been studiously conservative, and their tendency has been to allay and quiet excitement. Really the most radical published statement I have been able to find is by the United States collector of customs at El Paso, as follows: "We must get those negroes out of here; they are simply breeders of trouble. The negro is the same wherever you find him. Put him into uniform and he thinks he can run things to suit himself."

As bearing on the conduct of the men of Company A, Twenty-fifth Infantry, since Captain Loughborough has been in command of Fort Bliss, June 11, 1899, a period of more than eight months, the records show that thirteen different men have been arrested by the police in the city of El Paso; ninety-four men of the company have never been

arrested. When it is considered that over fifty of the men of longest service in company have been drafted for service in the Philippines, and more than fifty have less than one year's service, I think it may be said that the record of the company is excellent and, under the conditions obtaining, more than creditable.

The precautions taken to prevent further trouble seem to be all that are possible. All arms are securely locked in arm racks; all ammunition has been taken from the men and locked up in company storerooms, and all the keys kept in the personal possession of the company commander. Only ten cartridges are issued to the guard, five to sentinels and five to noncommissioned officer on duty, turned over each morning by the commanding officer. On an average four check rolls are had each night between call to quarters and reveille.

In closing this report I deem it my duty to urge that every effort be made to obtain for all companies of colored troops at least two officers. In the department there are five posts garrisoned by a single company each, and at each post there is but a single officer, who, besides his duties as commanding officer, must perform all the duties of the different staff departments. When it is considered that all the companies are full, over 100 men each, composed largely of recruits, and many of them selected with less than usual care, it must be evident that, even with the most conscientious and careful attention, it is impossible to maintain the constant oversight necessary to insure best results.

Very respectfully,

C. S. ROBERTS,  
Lieutenant-Colonel Thirteenth Infantry.

Fort Bliss, Tex., March 2, 1900.

ADJUTANT-GENERAL, DEPARTMENT OF TEXAS,  
San Antonio, Tex.

SIR: I have the honor to report that between 4 and 5 o'clock on the morning of February 17, 1900, a party of nine enlisted men of Company A, Twenty-fifth Infantry, with rifles and axes, made an attack on the city jail of El Paso, Tex., where two soldiers of that company were confined on charge of drunk and disorderly. Corporal James W. Hull, Company A, Twenty-fifth Infantry, was killed; also one of the city police on duty at the jail.

The first information I had of this was when two police officers arrived at the post about 7.30 a. m.; but they could not give any information of the affair further than a party of soldiers with army rifles had fired into the jail some time that morning, that army guns were used, as they had two which had been left by some of the party in their hasty flight. Corporal Hull and Private William H. Davis were absent from reveille. The latter reported about ten minutes after it. Immediately all arms and ammunition were placed under lock and key and every precaution taken to prevent any soldier leaving the post. Investigation was instituted at once to find the guilty men. The company arms racks were examined. Two were opened, and eight rifles were missing. Corpl. Gardner Davis, the noncommissioned officer in charge of quarters, was questioned, and stated that the keys of the racks had been taken from under his pillow during the night while he was asleep. Subsequently he stated that they were taken from the pocket of his trousers, which were on a chair by the side of his bunk.

The men on the pass list were examined. Sergeant Kipper, when questioned, stated that he had been in El Paso until about half past 1 o'clock that morning, when he returned to the post with Privates Wright and Davis. Private Wright stated that he was in the city until about half past 1 o'clock with Sergeant Kipper, Corporal Dyson, and Private Davis, and that they were just leaving town when Corporal Dyson was arrested by the city police and taken to jail; that he came on to the post, passing the sentinel at the foot of the hill about 3 o'clock. The sentinel stated that Sergeant Kipper passed about 2.30 a. m., going into the post, riding a bicycle, and that Wright passed about half an hour later, and that he did not see them after that. During the day there were rumors that certain men had been seen coming into the post just before reveille, in brown canvas uniform, and that Sergeant Kipper and Private Roberts were seen taking off their brown canvas clothing just outside the post. Both were immediately arrested. Two days later Corporal Powell's name was discovered on the inside of the sleeve of one of the two canvas suits, with two rifles, found in the vacant barracks, and he was arrested.

Sergeant Kipper, Corporal Powell, and Private Roberts were turned over to the civil authorities on the 22d ultimo.

At 7 o'clock a. m. February 23, Corpl. George O. McElroy left the guardhouse to post the relief at the foot of the hill and has not been seen here since. The sentinel says that after the corporal posted him he started up the hill toward the post, saying, "I am going by the hospital to get some medicine," and that he did not see him again. McElroy's rifle, belt, and gloves were found that day a short distance from the sentinel's post.

Information necessary to proceed with the investigation was very meager, though every clue was followed. There was nothing but circumstantial evidence, and in some cases this was not entirely convincing. Several suspects were arrested, but afterwards released for lack of tangible evidence except two, who subsequently proved to be the right men.

On the evening of February 28 Private James W. Durand, Company A, Twenty-fifth Infantry (who had previously given me some valuable information), told me that he knew Corporal Powell very well; that he was sure he was guilty, but if he could be promised protection he believed he would tell all he knew, and if I desired he would write to him and advise him to do so. I communicated with the sheriff (Corporal Powell being in his custody), who came out next morning and approved the plan. Durand wrote the letter, gave it to me to read, and I gave it to the sheriff, who started at once for El Paso, returning in the afternoon with a sealed note from Corporal Powell giving the names of the men in the party and a message from Powell that if I would come to the jail he would tell me all. I went immediately to the county jail in El Paso, and, in company with the sheriff, to the cell where Corporal Powell was confined.

The sheriff then warned Corporal Powell that any statement he might make must be voluntary, and that it could be used as evidence for or against him; that if he told the truth, the whole truth, and nothing but the truth, he would be protected. Corporal Powell then said he would tell everything he knew; that he would not add anything nor leave out anything. He then related the following story: "About 3 o'clock on the morning of February 17, 1900, Sergt. John Kipper came to my bunk in the company quarters and woke me up and said: 'Corporal Dyson is in jail, and I want you to come and go with me to get him out. The gun rack is unlocked, and you get a gun.' At the same time he woke up Corporal McElroy and told him the same thing. McElroy and myself got up and dressed, putting on our canvas uniform

over the blue one, went downstairs to the back porch of the barracks, and there found Sergeant Kipper, Corporal Hull, Privates Roberts, Elazer, Carroll, Wright, and Davis. All had rifles, and McElroy and Elazer each carried an ax besides his gun. Sergeant Kipper was directing the whole thing.

We then started for town, going in rear of the mess hall and vacant barracks, watching all the time to avoid being seen by the sentinel: passed in front of the hospital and kept to the left to avoid being seen by the sentinel at the foot of the hill, and struck the main road this side of the powder houses, keeping on it until near town, when we saw a buggy coming down the road. Eight of us then moved to the right in the bushes, and Sergeant Kipper went alone to the left of the road. We met again on Myrtle avenue, just at the edge of town, and went straight to the jail. When we got near there Sergeant Kipper told each man what to do. Corporal Hull, Corporal McElroy, and Carroll rushed for the jail door, which was opened, and Corporal Hull called out: "Give up those prisoners!" Two shots were fired right away, and Corporal Hull ran out leaning forward, and I saw he was hit. Other shots were fired immediately after. Corporal Hull was shot by the man just inside the door, and I think Hull shot him. If Hull did not kill him, McElroy or Carroll did. The first two shots were so close together that I could not tell which fired first. That was my gun and Carroll's found in the vacant barracks. We all ran and came back to the post. Sergeant Kipper had the keys of the gun racks and gave them to Corporal Hull on the way into town. I asked Sergeant Kipper how he got the keys of the gun racks, and he said: "Out of Corporal Davis's pocket."

Corporal Powell's story is borne out by circumstances, and, I believe, is correct in every detail.

The following are the names of the men he gives as being in the party, viz:

Sergt. John Kipper, Corpl. George O. McElroy, Private Leroy Roberts, Private William H. Davis, Private Boyer Wright, Corpl. James W. Hull, Corpl. William Powell, Private Benjamin F. Carroll, and Private Joel Elazer.

All of the above have been turned over to the civil authorities, except Corporal McElroy, deserted, and Hull, deceased.

Corporal Powell declares that he has given the name of every one in the party or that, to his knowledge, knows anything about it.

As stated, eight rifles were missing from the arms racks when inventory was taken on the morning of the 17th: since I have found that Sergeant Kipper returned the rifle he had to the barracks just before reveille, hiding it between the mattress and springs of one of the bunks.

In conclusion, I beg to say that I am very much indebted to Mr. James H. Boone, the sheriff of El Paso County, for his courtesy and patience throughout the investigation, and especially for many suggestions which proved of great assistance. Mr. Boone is an old and capable officer.

I beg also to give the names of enlisted men of this command who have been loyal and faithful, voluntarily coming to me with information, without which it would have been much more difficult, if not impossible, to have apprehended the guilty. They are—

Post Q. M. Sergt. James L. Douglass, U. S. Army.  
First Sergt. George Williams, Company A, Twenty-fifth Infantry.  
Sergt. Hill Conwell, Company A, Twenty-fifth Infantry.  
Sergt. David Jordan, Company A, Twenty-fifth Infantry.  
Sergt. Tolbert Parks, Company A, Twenty-fifth Infantry.  
Corpl. James H. Pegan, Company A, Twenty-fifth Infantry.  
Corpl. Washington C. Holly, Company A, Twenty-fifth Infantry.  
Corpl. James Beckwith, Company A, Twenty-fifth Infantry.  
Corpl. Abram Martin, Company A, Twenty-fifth Infantry.  
Cook Button Mitchell, Company A, Twenty-fifth Infantry.  
Private James W. Durand, Company A, Twenty-fifth Infantry.  
All the above soldiers have to their credit from eight to nearly thirty years of service.

Very respectfully,

R. H. R. LOUGHBOROUGH,  
Captain, Twenty-fifth Infantry, Commanding.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, March 8, 1900.

Respectfully forwarded to the Adjutant-General of the Army for file in connection with report of Lieutenant-Colonel Roberts, acting adjutant-general of the department, of the 28th ultimo, on the recent disturbance at Fort Bliss, Tex., forwarded by me on the 1st instant, and telegram on same subject from these headquarters of the 2d instant.

CHAMBERS McKIBBIN,  
Colonel Twelfth Infantry, Commanding.

FORT SAM HOUSTON, TEX., March 2, 1900.

ADJUTANT-GENERAL, Washington, D. C.:

Following telegram received from Fort Bliss:  
"Have all the guilty and evidence to convict them, except McElroy, who deserted. Corporal Powell confessed."

"LOUGHBOROUGH, Commanding."

Please file this with my report mailed yesterday.

McKIBBIN, Commanding.

AFFAIR NEAR FORT NIOBRARA, NEBR., OCTOBER 29-30, 1904.

[On October 29-30, 1904, the garrison of Fort Niobrara, Nebr., consisted of Company K, Eleventh Infantry, and Companies A, B, C, D, I, K, L, and M, Twenty-fifth Infantry.

The hospital records of the post show that Private Isaiah Raynor, Company B, Twenty-fifth Infantry, was admitted October 30, 1904, with a contused and lacerated wound received in a brawl at a house of ill fame near Fort Niobrara, Nebr., October 29, 1904, and that Lulu Johnson, civilian (colored), was admitted November 1, 1904, with gunshot wound "received at the hands of some party or parties unknown at a house of ill repute near Fort Niobrara, Nebr., October 31, 1904;" died November 3, 1904; also, that Raymond J. Smith, civilian (Indian), was admitted November 1, 1904, with gunshot wound received at the hands of some party or parties unknown at a house of ill repute near Fort Niobrara, Nebr., October 31, 1904. Left hospital January 20, 1905. The only additional data bearing on the subject that have been found on the files of the War Department follow.—M. S. O.]

FORT NIOBRARA, NEBR.,  
October 30, 1904.

The ADJUTANT, Fort Niobrara, Nebr.

SIR: I have the honor to inform you that about 12.30 o'clock this morning I heard several shots fired, the sound coming from the direction of Stratton's ranch.

I was at this time on duty as officer of the day, and a few minutes later the sergeant of the guard reported to me that a man of the hospital corps wanted an order to get the ambulance out of the corral. I sent this order over, and then a little later sent an order to the sergeant of the guard to put on a patrol near the chapel with orders to arrest and turn over to the corporal of the guard all enlisted men approaching his post.

Later I learned that it was thought the shooting was done with the service rifles. This was about 2.30 a. m. I then ordered a check to be taken in each organization of both men and rifles, and all (men and rifles) were reported "present or accounted for" except two men of the band and one private of Company K, Eleventh Infantry, who were reported absent.

At the regular 11 o'clock p. m. inspection there was one noncommissioned officer, Company K, Eleventh Infantry, and one private, Company M, Twenty-fifth Infantry, absent.

I inspected the barracks at 2.30 a. m. and found all gun racks locked, and the noncommissioned officers all reported they had been locked immediately after supper.

Very respectfully,

NED. M. GREEN,  
First Lieutenant, Twenty-fifth Infantry.

SURGEON'S OFFICE, POST HOSPITAL,  
Fort Niobrara, Nebr., October 31, 1904.

The ADJUTANT,

Fort Niobrara, Nebr.

SIR: I have the honor to request authority to admit to this hospital for treatment two civilian patients, a man and a woman, who were seriously wounded Saturday evening, October 29, 1904, and who require hospital treatment, without which their chances for recovery will be very small.

It is respectfully requested that this office be informed as soon as practicable of the decision of the commanding officer in the matter.

Very respectfully,

R. S. PORTER,  
Captain and Assistant Surgeon, U. S. Army, Surgeon.

[Indorsement.]  
FORT NIOBRARA, NEBR.,  
October 31, 1904.

Respectfully returned to the surgeon, approved.

By order of Colonel Hoyt:

M. D. CRONIN,  
Captain and Adjutant, Twenty-fifth Infantry, Adjutant.

[From New York Tribune of December 4, 1906.]

THE TWENTY-FIFTH AT FORT NIOBRARA—CONDUCT OF THE NEGRO SOLDIERS WHEN STATIONED IN NEBRASKA.

TO THE EDITOR OF THE TRIBUNE.

SIR: Could the persons, even the negro ministers and others, who are holding mass meetings denouncing President Roosevelt's action in dismissing from the service the entire enlisted strength of the three companies of the Twenty-fifth United States Infantry which were stationed at Fort Brown on the night that Brownsville, Tex., was "shot up" have had the opportunity of knowing those troops better, the chances are they would not be so severe in their criticism of the President's action.

Two battalions (eight companies) of that regiment came to Fort Niobrara for station directly from the Philippines in 1902. They remained at that post continually until its abandonment, in July last, when, in leaving, they were assigned to stations in Texas. Valentine, 4½ miles distant, is the railway station where all the post's business was transacted, and, having a population of about 1,200, it sustained very much the same relation to Fort Niobrara as Brownsville does to Fort Brown, Tex. Consequently they were in and out of town constantly, singly or in numbers, trading, loafing, or attending errands, and it is said by our citizens, rightly that they were well behaved, and no citizen not looking for it had the least excuse for getting into trouble with any one of them.

However, among themselves and with their camp followers, principally discharged soldiers from the negro regiment, a part at least were terrorists and in their brawls seemed to place no more value upon a human life than though the taking of the same were a mere incident in their purpose of destruction. In the dance halls and resorts, which followed them into the country and went out of business and left immediately on the departure of the troops, they would fight like demons, and the records of our district court have been loaded down with criminal cases due to these fights, with a goodly number of participants in the State penitentiary, to say nothing of the number punished by military courts-martial. Bearing particularly on the phase which brought about the wholesale dismissal a somewhat similar case might be recited:

A discharged soldier from one of the negro regiments named Stratton kept a rooming and dance house on a tract of land about 1½ miles from Fort Niobrara. On the night of October 29, 1904, about midnight, while the usual dance was in progress, a team hauling a spring wagon, with four occupants, drove up in front of the door, and one of the inmates called Lulu Johnson, came out of the house to the wagon. Immediately shots rang out, apparently fired at the wagon, but from a point that each must take effect there or pass into, and in some instances through, the dance hall, which was very well filled with dancers.

When the firing ceased it was found that Turnbull, the driver, was shot through the arm; Raymond Smith, an occupant, through the body; Lulu Johnson, through the breast, near the heart; one horse killed, and the other wounded. Inside the building a stove had been hit and shattered, the bar shot up somewhat, but miraculously no person hurt, although there were any number of close calls. Coincidentally, two men in khaki were seen, with guns across their shoulders, starting toward Fort Niobrara. Next morning sixteen empty Krag-Jørgensen shells were found on the ground at the point where the firing seemed to come from, and the location the two men were seen leaving. The wounded were taken to the Fort Niobrara hospital, where the Johnson woman died the next day; Turnbull recovered promptly, and Smith finally.



The shooting, having been committed off the reservation, came under the jurisdiction of the civil authorities. Consequently the sheriff and coroner were notified, a coroner's jury was empaneled, and a post-mortem held at post hospital, which resulted in determining that from the character of the wound it was made by a Krag-Jørgensen. The murder appearing so wanton and cold blooded, extraordinary efforts were put forth to try to locate the guilty ones. Persons who were thought by their associations to be on terms of intimacy with the soldiers were looked to to secure the information, and Colonel Hoyt, commanding the regiment, assigned Lieutenants Mapes and Wiegstein for special duty to run down the guilty ones, if possible.

The officers, in fact, were particularly anxious to apprehend and deliver the culprits to the civil authorities. However, although that shooting was done on a clear, bright night by two persons seen in the act or immediately thereafter, not the slightest trace has to this day been discovered in the direction of either apprehending the guilty parties or of learning the motive. It was said that although numbers of the enlisted men might have full knowledge of men and motive, no one would dare to divulge the same for fear of his own life.

Although the murdered one was one of their own color and without character, the act was no less a crime than the like one which followed it in Brownsville, and only emphasizes the necessity of some form of salutary punishment. While the soldiers might justify silence in the latter case on account of fear lest a fair trial could not be had in Texas, no such excuse could prevail here, since the murdered one was not a citizen of this community, but a woman of their own race in whom no one would have any special interest, and the trial could have been purely on its merits without prejudice against the prisoners. Yet those who possessed the necessary information were as silent in the former as in the latter instance.

No question but that a very large majority of those soldiers discountenance such acts, judged by what was seen of them during four years here, but there are tough characters in each company ready at all times to do acts of violence, whom the better men do not appear to endeavor to get rid of, and who are responsible for the condition in which the men of those three companies find themselves now. It is another case of "poor dog Tray."

Threats were heard that this town might be "shot up" some night, but the treatment of these soldiers by our citizens was such that we did not believe the cooler heads would ever permit it to be possible.

It may be said that soldiers should not be allowed their rifles excepting when on actual duty. That is supposed to be the case, yet at times they find a way of getting a part of them at least. However, is a man worthy to be a soldier who can not be trusted with a gun excepting when in ranks for fear lest a whole community be "shot up?"

This communication is written with the one purpose, however, of endeavoring to influence those negro pastors and people and the sympathizers of all races to investigate at little closer range, with the hope that they will modify their resolutions and memorials directed against an honest and courageous President.

C. H. CORNELL,  
Chairman Republican Congressional Committee,  
Sixth District, Nebraska.

VALENTINE, NEBR., November 30, 1906.

THE WHITE HOUSE,  
Washington, December 11, 1906.

MY DEAR MR. SECRETARY: The President directs me to refer to you the inclosed letter from Mr. Seth Bullock, which will explain itself.

Very truly, yours,

WM. LOEB,  
Secretary to the President.

Hon. WM. H. TAFT,  
Secretary of War.

[Inclosure.]

DEPARTMENT OF JUSTICE,  
OFFICE OF UNITED STATES MARSHAL,  
DISTRICT OF SOUTH DAKOTA,  
Sioux Falls, December 8, 1906.

Hon. WM. LOEB, JR.,  
Washington, D. C.

MY DEAR MR. LOEB: In giving the names of the towns "shot up" by the Twenty-fifth Infantry, the press dispatches from Washington do not mention Valentine, Nebr., 3 miles from Fort Niobrara.

Chief Deputy Carleton, of my office, informs me that he was in Valentine when the shooting occurred. It was on October 30, 1904. Several shots were fired into a house in which were a number of people, killing a woman and badly wounding a cowboy who was unhitching his horse near the house. No shots were fired from the house, nor was there any reason for the shooting by the negroes. Twelve negro soldiers were in the attacking party.

The local authorities did everything in their power to find the guilty parties, but, as at Brownsville, their comrades declined to aid in the apprehension of the murderers. The affair occurred at about 2 o'clock in the morning.

The house fired into was a dance house at the outskirts of the town and the woman killed was an inmate of the house, but this is not considered a good defense in the "wild and woolly West," and should not be in Washington, for murder.

Yours, truly,

SETH BULLOCK.

Mr. LODGE. Now, Mr. President, as I followed the Senator when he began to analyze the testimony—

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I was necessarily occupied for a moment and could not follow the Senator. I understand now that he has stated that this regiment had been guilty of "shooting up" four other towns.

Mr. LODGE. I was simply stating what is in the record. I know nothing except what is there printed.

Mr. FORAKER. I read of one of those occurrences. I notice that it is a very different case from this, that it was a different battalion, and that it happened twenty-five years ago.

Mr. LODGE. Mr. President, I repeat that even the Senator's profound researches of this record have not developed the fact that there are four cases stated here—one in 1885 at Sturgis, Territory of Dakota; one in 1899 at Winnemucca, Nev.; one in 1900 at El Paso, and one in 1904 at Niobrara.

Mr. FORAKER. I must except to the Senator's referring to my "profound researches." I have had no opportunity to examine the record at all, except a hasty glance I took at it while the message was being read yesterday. Therefore I was speaking at a great disadvantage; but I did say that there was one case. Of course, there are many things I have not seen.

Mr. LODGE. The Senator has been passing on all the testimony.

Mr. FORAKER. That is the testimony of what occurred twenty-five years ago.

Mr. LODGE. It is an official document, showing also what members of the regiment did in Niobrara two years ago and in El Paso six years ago. It is all contained in official documents, and I suppose it is not necessary to verify them.

Mr. President, I should like very much—for I do not want to detain the Senate—to have the whole of the testimony of Mr. A. C. Moore, of which the Senator from Ohio read a part, printed in the RECORD with my remarks. It is on pages 445 and 446.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Mr. A. C. MOORE takes stand. (Proprietor of Miller Hotel.)  
Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

Q. You heard those commands?—A. Yes; and heard them say, "There goes the son of a —," and something else, "Get him!"

Q. Could you say whether it was a negro's voice?—A. I think it was. It was very coarse.

Q. After the command what did they do?—A. Well, they ran on down, and there was a shot or two fired then.

Q. Toward the corner of Thirteenth and the hotel?—A. Yes. Then they gave another command. The best that I could locate it was from this corner opposite the hotel. Then they fired, and must have fired that volley at the hotel, for there are the bullet holes showing that they must have been shot from that corner. One of them passed through a window facing and through a door and struck the wall.

Q. Have you got any of those bullets?—A. Yes; I gave them to Fred Combe.

Q. What were they?—A. Steel jackets.

Q. How many shots did you hear?—A. About fifty.

Q. Where did they shoot the policeman—right here [pointing out of window of Wells's office]?—A. I do not know, but they were bound to have shot him when they came out of the alley, for then they holloed, "There goes the son of a —; get him!" Then I picked up a lot of bullets [meaning cartridges, evidently] in the alley, empty and loaded.

Q. What were they?—A. 1205, new Army gun, Springfield model.

Q. That is all you know?—A. Yes.

Q. Do you know whether or not any of your guests actually saw the negro soldiers?—A. Yes; Mr. Borden and Mr. Chase had their heads out of the window and saw the squad of five or six. They shot just about then, and the bullets hit right close to the window. One bullet came through the screen, and when it hit the window went straight up. (Excused.)

Mr. LODGE. I shall not detain the Senate by reading it, but I think when this statement about not seeing anybody is read it is just as well that the further statement should appear:

Then I picked up a lot of bullets [meaning cartridges, evidently] in the alley, empty and loaded.

Q. What were they?—A. 1205, new Army gun, Springfield model.

I think that might just as well go in the RECORD.

I should like the whole of Mr. Canada's testimony printed. I should like the statement of Doctor Combe, on the same page, printed; I should like the whole of the testimony of Victoriana Fernandez printed; I should like the whole of the testimony of Mr. Madison, of which the Senator read a part, printed. I merely desire that, as a portion has been read from the testimony of those witnesses, all they said may go into the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Mr. C. S. CANADA called to the stand.

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers. If there is anything that would throw any light on the subject, we would like to have it.—A. I did not see a single man that I

am sure. My room is up on third floor. As soon as the shooting began, I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men. I could hear the peculiar click of the gun, and I would swear it was a rifle.

Q. Could you tell whether it was an ordinary rifle or a Krag?—A. They were the same as the shots fired in the alley.

Q. You could not hear them say anything?—A. Perhaps, if I had been listening for that purpose alone.

Q. How many shots were fired from the corner at the horse?—A. At least three.

Q. How many in all did you hear?—A. Not less than 150; perhaps 200. Between those two numbers. It is more or less a guess.

Q. Did you hear any commands? Hear "Fire," or anything that way?—A. The only thing I heard them say was, "We got him," when the horse fell.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Nothing except the general tenor of the affair.

Q. The next firing was up the street?—A. Yes; they went on up the street firing.

Q. From the tone of the voice that you heard make the remark, "We got him," were they Americans or Mexicans?—A. I think they were negroes. I was raised among them and know their voices pretty well. (Excused.)

Doctor Combe states what Mr. Odin, who is now out of the city, said in regard to the shooting (made in presence of Judge John Bartlett):

That about the middle of the night of August 13 he was standing at a window of his room in the Miller Hotel and he heard a squad of men coming down the alley; that they arrived at the corner of the alley and he recognized that they were five negro soldiers; that when they arrived at the intersection of Thirteenth street and this alley one, apparently in command, gave the order, "There he goes; shoot him." That immediately a volley was fired, and then one of the men leveled his piece at the window and fired, the bullet passing through the casing and going into the ceiling directly over his head. One of his children fell to the floor and he thought it was shot. His wife was present at the window.

(Judge Bartlett affirmed statement.)

VICTORIANA FERNANDEZ, policeman, takes stand.

Q. State what you saw.—A. I was asleep at Washington street. I was on day watch and was sleeping. I heard a single shot. I do not know whether six-shooter or gun. I went down town, down the street, and saw two men shoot at me. Do not know whether citizens or soldiers. I turned across the street into the alley. They shot at me again.

Q. Did you shoot back?—A. No; had no chance. They shot at me the third time—three men with big guns. I shot back. They were dressed in khaki pants.

Q. You can tell these army guns when they shoot?—A. Yes.

Q. These were army guns?—A. Yes.

I came on Sixteenth street. I saw a crowd at Mr. Tillman's saloon. I went inside and found Frank Natus lying down dead.

Q. How many shots did you hear last night altogether?—A. About fifty.

Q. Did you know any soldiers that fired?—A. No.

(Excused.)

Mr. C. C. MADISON takes the stand.

Q. We are here for the purpose of obtaining information touching what happened last night. Tell us everything you know about it. Who you saw shoot, if anybody.—A. We [Mr. Madison was accompanied by another tinner and could not be induced to converse in anything but the first person plural] did not see anything. The shooting took place 10 or 15 feet from where we were sleeping and we could hear them throw the cartridges in the guns. They were Springfield guns. I know what they sound like when a cartridge is thrown into them, and I heard a low whistle and heard somebody holler "Halt!"

Q. How many shots did you hear?—A. Twenty or thirty in the alley and many more in the city.

Q. Did you hear the men talk?—A. Yes.

Q. Were they Americans or Mexicans?—A. They were negroes.

Q. Were you sleeping on ground floor?—A. Yes.

Q. Doors open?—A. Yes.

Q. Could you see anything when you looked out?—A. No; but we never put our heads out.

Q. Where did you hear them say "Halt"?—A. Out in the lot.

Q. How many were there?—A. Seven or eight.

Q. Which way did they go?—A. Toward the livery stable.

Q. Were you ever in the service?—A. Yes; five years, and I know the sound of cartridges when they are thrown in.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Yes; I know by their talk that they were negroes.

Q. Did you see any soldiers?—A. No.

(Committee adjourned until 9 o'clock Wednesday, the 15th.)

Mr. LODGE. Mr. President, I have no desire to detain the Senate. I merely wish to repeat what I have already said. I have not read the testimony. I want to see it all before I make up my mind as to the judgment which is to be passed on so grave a question as this.

Mr. SCOTT. Mr. President, I take it for granted that there is no Senator present who will object to the Committee on Military Affairs taking further testimony in regard to this very important case. A retired officer of the Army, who commanded this regiment for sixteen years, I have been told, will vouch for the statement of a number of these colored men as being as reliable as that of any men who can be found in this country, white or black. He having had experience with this regiment for sixteen years, I think it is only due that the Military Committee should have the power to summon him before them, in order to ascertain from him, as far as possible, the character of these soldiers and whether their truthfulness and veracity can be relied on in case they make affidavits.

If I am correctly informed as to the history of the Spanish-American war, it is reported that if it had not been for the gallant and courageous action of the Tenth Regiment of Cavalry at the battle of San Juan we might not now have the privilege of having in the White House that brave soldier and "square deal" and patriotic President of ours. As I understand, had it not been for the gallantry of the Tenth Regiment of Cavalry, a colored regiment, at that battle there might not have been a sufficient number of the Rough Riders left to tell the tale.

I hope the Senate will allow the Military Committee the opportunity and the privilege of fully investigating this matter.

Mr. FORAKER. I have modified my resolution, as I said I would, and I ask that it may be read as modified.

The VICE-PRESIDENT. The Secretary will read the resolution of the Senator from Ohio as modified.

The Secretary read the resolution as modified, as follows:

*Resolved*, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. FORAKER. I now ask that the resolution go over.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."

#### MODEL EXHIBIT OF PATENT OFFICE.

Mr. CULLOM. I have a letter from the Secretary of the Interior, addressed to the chairman of the Senate Committee on Appropriations, calling attention to the fact that no provision has been made in the legislative appropriation bill for the year 1908 providing for the renting of a building for the model exhibit of the Patent Office. I ask that the letter and accompanying papers be printed and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The Senator from Illinois asks for the printing of certain papers and their reference to the Committee on Appropriations. Is there objection? The Chair hears none, and it is so ordered.

#### VETO MESSAGE—CHARLES E. HENRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pensions:

*To the Senate:*

I return herewith, without approval, Senate bill No. 6197, entitled "An act granting an increase of pension to Charles E. Henry," as the Secretary of the Interior informs me that the records of the Pension Bureau show that the beneficiary died on November 3, 1906, prior to the passage of the bill, which would therefore be inoperative should it become a law.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 20, 1906.

#### ANNUAL REPORT OF THE ISTHMIAN CANAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Inter-oceanic Canals, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith the Annual Report of the Isthmian Canal Commission for the year ending December 1, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 20, 1906.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Thursday, January 3, 1907, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate December 20, 1906.*

#### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. James Albert Alger to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906, in place of Second Lieut. John Mei, promoted.



Third Lieut. Frank Lynn Austin to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906, in place of Second Lieut. Albert Henry Buhner, promoted.

Third Lieut. Le Roy Reinburg to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 12, 1906, in place of Second Lieut. Francis Rawle Shoemaker, resigned.

Third Lieut. Howard Eugene Rideout to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906, in place of Second Lieut. Charles William Cairnes, promoted.

#### INDIAN INSPECTOR.

Arthur M. Tinker, of Massachusetts, to be an Indian inspector, his term having expired December 19, 1906. (Reappointment.)

#### POSTMASTERS.

##### CALIFORNIA.

Isaac M. Clippinger to be postmaster at Huntington Beach, in the county of Orange and State of California. Office became Presidential October 1, 1906.

Frank E. Ellis to be postmaster at Stockton, in the county of San Joaquin and State of California, in place of Thomas A. Nelson. Incumbent's commission expires January 22, 1907.

Wilson Hays to be postmaster at Colton, in the county of San Bernardino and State of California, in place of Wilson Hays. Incumbent's commission expires January 7, 1907.

Conrad Solem to be postmaster at La Jolla, in the county of San Diego and State of California. Office became Presidential October 1, 1906.

##### COLORADO.

Alfred W. Flanagan to be postmaster at Goldfield, in the county of Teller and State of Colorado. Office became Presidential October 1, 1906.

##### GEORGIA.

Clifford H. Dyar to be postmaster at Adairsville, in the county of Bartow and State of Georgia. Office became Presidential October 1, 1906.

##### INDIANA.

James P. Clark to be postmaster at Morocco, in the county of Newton and State of Indiana, in place of Albert D. Peck. Incumbent's commission expires January 19, 1907.

Laron E. Street to be postmaster at Brookston, in the county of White and State of Indiana, in place of Laron E. Street. Incumbent's commission expires January 7, 1907.

##### INDIAN TERRITORY.

John D. Seaman to be postmaster at Tulsa, in District Twenty-eight, Indian Territory, in place of John D. Seaman. Incumbent's commission expired December 15, 1906.

##### IOWA.

George C. Allen to be postmaster at Estherville, in the county of Emmet and State of Iowa, in place of Martin K. Whelan. Incumbent's commission expired May 9, 1906.

Clyde E. Hammond to be postmaster at Dows, in the county of Wright and State of Iowa, in place of Clyde E. Hammond. Incumbent's commission expired December 9, 1906.

Thomas J. Hoffman to be postmaster at Vail, in the county of Crawford and State of Iowa, in place of Thomas J. Hoffman. Incumbent's commission expires January 7, 1907.

##### KANSAS.

James A. Eaton to be postmaster at Erie, in the county of Neosho and State of Kansas, in place of James A. Eaton. Incumbent's commission expired December 9, 1906.

August Kuhlmann to be postmaster at Hanover, in the county of Washington and State of Kansas, in place of August Kuhlmann. Incumbent's commission expires January 22, 1907.

Caddie Smith to be postmaster at Lebanon, in the county of Smith and State of Kansas, in place of Caddie Smith. Incumbent's commission expires January 20, 1907.

##### KENTUCKY.

Elisha L. Robinson to be postmaster at Berea, in the county of Madison and State of Kentucky, in place of Samuel G. Hanson, resigned.

##### MASSACHUSETTS.

James O. Hodges to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts, in place of James O. Hodges. Incumbent's commission expires January 31, 1907.

John Huxtable to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts, in place of John Huxtable. Incumbent's commission expires January 7, 1907.

Frederick E. Pierce to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts, in place of Frederick E. Pierce. Incumbent's commission expires January 7, 1907.

Fred A. Tower to be postmaster at Concord, in the county of Middlesex and State of Massachusetts, in place of Fred A. Tower. Incumbent's commission expired December 15, 1906.

Carl Wurtzbach to be postmaster at Lee, in the county of Berkshire and State of Massachusetts, in place of Carl Wurtzbach. Incumbent's commission expires January 26, 1907.

##### MINNESOTA.

Alton Crosby to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota, in place of Charles A. Birch. Incumbent's commission expires January 13, 1907.

Oscar E. Linquist to be postmaster at Dassel, in the county of Meeker and State of Minnesota, in place of Oscar E. Linquist. Incumbent's commission expired December 16, 1906.

##### NEBRASKA.

Valentine Zink to be postmaster at Sterling, in the county of Johnson and State of Nebraska, in place of Valentine Zink. Incumbent's commission expires January 22, 1907.

##### NEW HAMPSHIRE.

Clarence N. Garvin to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire, in place of Clarence N. Garvin. Incumbent's commission expires January 19, 1907.

Thomas B. Moore to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire, in place of John H. Henry, resigned.

##### NEW YORK.

Harrison Beecher to be postmaster at Monticello, in the county of Sullivan and State of New York, in place of Harrison Beecher. Incumbent's commission expires January 7, 1907.

David A. Doyle to be postmaster at Katonah, in the county of Westchester and State of New York, in place of Henry W. Kellogg. Incumbent's commission expired December 9, 1906.

George B. Helmle to be postmaster at Nyack, in the county of Rockland and State of New York, in place of George B. Helmle. Incumbent's commission expires January 7, 1907.

Lasuvius H. King to be postmaster at Port Byron, in the county of Cayuga and State of New York, in place of Benson C. Smith. Incumbent's commission expires January 7, 1907.

Oscar E. Ward to be postmaster at Phoenix, in the county of Oswego and State of New York, in place of Albert P. Merriam. Incumbent's commission expired June 10, 1906.

##### OHIO.

Don C. Corbett to be postmaster at Payne, in the county of Paulding and State of Ohio, in place of Melancthon B. Everitt, deceased.

Charles R. Crum to be postmaster at Forest, in the county of Hardin and State of Ohio, in place of John C. Pierce. Incumbent's commission expires December 20, 1906.

William H. Tucker to be postmaster at Toledo, in the county of Lucas and State of Ohio, in place of William H. Tucker. Incumbent's commission expires December 20, 1906.

##### PENNSYLVANIA.

William J. Boggs to be postmaster at Ford City, in the county of Armstrong and State of Pennsylvania, in place of David Reynolds, sr., resigned.

Isaac T. Klingensmith to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania, in place of Isaac Klingensmith. Incumbent's commission expires January 26, 1907.

##### TENNESSEE.

Haynes O. Lee to be postmaster at Newport, in the county of Cocke and State of Tennessee, in place of Alexander Ragan, deceased.

Samuel L. Parker to be postmaster at Sparta, in the county of White and State of Tennessee, in place of Arthur W. Parker, resigned.

##### VERMONT.

Joshua H. Blakley to be postmaster at Bellows Falls, in the county of Windham and State of Vermont, in place of Barney Cannon, jr., deceased.

##### WASHINGTON.

Walter B. Crammatte to be postmaster at Aberdeen, in the county of Chehalis and State of Washington, in place of Richard P. Campbell. Incumbent's commission expired June 27, 1906.

Charles A. Gwinn to be postmaster at Garfield, in the county of Whitman and State of Washington, in place of Charles A. Gwinn. Incumbent's commission expired December 10, 1906.

##### WEST VIRGINIA.

J. Willis Fiddler to be postmaster at Harrisville, in the county of Ritchie and State of West Virginia, in place of Henry C. Showalter. Incumbent's commission expired February 10, 1906.

Hugh I. Shott to be postmaster at Bluefield, in the county of

Mercer and State of West Virginia, in place of Hugh I. Shott. Incumbent's commission expired December 16, 1906.

#### WISCONSIN.

Platt Durand to be postmaster at Campbellsport, in the county of Fond du Lac and State of Wisconsin. Office became Presidential October 1, 1906.

Fitz James Hamilton to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in place of Fitz James Hamilton. Incumbent's commission expires January 23, 1907.

Thomas Hill to be postmaster at Spring Green, in the county of Sauk and State of Wisconsin, in place of Thomas Hill. Incumbent's commission expires January 23, 1907.

M. Rowell to be postmaster at Hartland, in the county of Waukesha and State of Wisconsin, in place of Alice S. Rumrill. Incumbent's commission expires December 20, 1906.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 20, 1906.*

#### INDIAN AGENT.

Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin.

#### DISTRICT ATTORNEY OF COURT FOR CHINA.

Arthur Bassett, of Missouri, to be district attorney of the United States court for China.

#### CLERK OF COURT FOR CHINA.

Frank E. Hinckley, of California, to be clerk of the United States court for China.

#### MARSHAL OF COURT FOR CHINA.

Orville R. Leonard, of Michigan, to be marshal of the United States court for China.

#### PROMOTIONS IN PORTO RICO PROVISIONAL REGIMENT.

##### *To be captains.*

First Lieut. William S. Woodruff, of Porto Rico Provisional Regiment of Infantry, from November 20, 1906.

First Lieut. Laurance Angel, Porto Rico Provisional Regiment of Infantry, from November 20, 1906.

#### PROMOTIONS IN THE ARMY.

##### CORPS OF ENGINEERS.

##### *To be first lieutenants.*

Second Lieut. Roger D. Black, Corps of Engineers, from September 17, 1906.

Second Lieut. Theodore H. Dillon, Corps of Engineers, from September 26, 1906.

#### ORDNANCE DEPARTMENT.

##### *To be colonel.*

Lieut. Col. Daniel M. Taylor, Ordnance Department, from November 12, 1906.

##### *To be lieutenant-colonel.*

Maj. Charles H. Clark, Ordnance Department, from November 12, 1906.

##### *To be major.*

Capt. Kenneth Morton, Ordnance Department, from November 12, 1906.

#### CAVALRY ARM.

##### *To be majors.*

Capt. Guy Carleton, Thirteenth Cavalry, from October 2, 1906.  
Capt. Thomas B. Dugan, Twelfth Cavalry, from October 28, 1906.

#### ARTILLERY CORPS.

##### *To be captain.*

First Lieut. Louis S. Chappellear, Artillery Corps, from November 26, 1906.

##### *To be first lieutenant.*

Second Lieut. William E. Murray, Artillery Corps, from November 26, 1906.

#### INFANTRY ARM.

##### *To be colonel.*

Lieut. Col. Edwin B. Bolton, Tenth Infantry, from December 2, 1906.

##### *To be lieutenant-colonel.*

Maj. Henry B. Moon, Tenth Infantry, from December 2, 1906.

##### *To be majors.*

Capt. Benjamin W. Atkinson, Sixth Infantry, from October 20, 1906.

Capt. Benjamin M. Purssell, detailed paymaster, from October 30, 1906.

Capt. Fielder M. M. Beall, Third Infantry, from October 31, 1906.

Capt. Maury Nichols, Third Infantry, from December 2, 1906.

#### INFANTRY ARM.

##### *To be captains.*

First Lieut. Robert E. Frith, Twenty-ninth Infantry, from July 28, 1906.

First Lieut. Samuel T. Ansell, Eleventh Infantry, from August 7, 1906.

First Lieut. Robert H. Peck, Twenty-fourth Infantry, from August 7, 1906.

First Lieut. Halsey E. Yates, Fifth Infantry, from August 15, 1906.

First Lieut. Clement A. Trott, Fifth Infantry, from August 20, 1906.

First Lieut. Wilson B. Burt, Fifth Infantry, from September 11, 1906.

First Lieut. Walter S. Brown, Tenth Infantry, from September 12, 1906.

#### RETIRED LIST OF THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. James E. Macklin, United States Army, retired, to be placed on the retired list of the Army, with the rank of brigadier-general from December 2, 1906.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. George B. Borden, Twenty-fourth Infantry, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

#### POSTMASTERS.

##### CALIFORNIA.

Isaac M. Chippinger to be postmaster at Huntington Beach, in the State of California.

Frank E. Ellis to be postmaster at Stockton, in the State of California.

Wilson Hays to be postmaster at Colton, in the State of California.

Conrad Solem to be postmaster at Da Jolla, in the State of California.

##### COLORADO.

Albert W. Flanigan to be postmaster at Goldfield, in the State of Colorado.

##### INDIAN TERRITORY.

John D. Seaman to be postmaster at Tulsa, in the Indian Territory.

##### IOWA.

George C. Allen to be postmaster at Estherville, in the State of Iowa.

Clyde E. Hammond to be postmaster at Dows, in the State of Iowa.

Thomas J. Hoffman to be postmaster at Vail, in the State of Iowa.

##### KANSAS.

James A. Eaton to be postmaster at Erie, in the State of Kansas.

Augustus Kuhlmann to be postmaster at Hanover, in the State of Kansas.

Caddie Smith to be postmaster at Lebanon, in the State of Kansas.

##### KENTUCKY.

Elisha L. Robinson to be postmaster at Berea, in the State of Kentucky.

##### MINNESOTA.

Alton Crosby to be postmaster at Willmar, in the State of Minnesota.

Oscar E. Linnquist to be postmaster at Dassel, in the State of Minnesota.

##### NEBRASKA.

Alfred H. Thomas to be postmaster at Trenton, in the county of Hitchcock and State of Nebraska.

##### NEW YORK.

Harrison Beecher to be postmaster at Monticello, in the State of New York.

George B. Helmle to be postmaster at Nyack, in the State of New York.

##### VERMONT.

Joshua H. Blakley to be postmaster at Bellows Falls, in the State of Vermont.

##### WASHINGTON.

Walter B. Crammattee to be postmaster at Aberdeen, in the State of Washington.

Charles A. Gwinn to be postmaster at Garfield, in the State of Washington.



## WEST VIRGINIA.

J. Willis Fiddler to be postmaster at Harrisonville, in the State of West Virginia.

Hugh I. Shott to be postmaster at Bluefields, in the State of West Virginia.

## WISCONSIN.

Platt Durand to be postmaster at Campbellsport, in the State of Wisconsin.

Fitz James Hamilton to be postmaster at Sturgeon Bay, in the State of Wisconsin.

Thomas Hiel to be postmaster at Spring Green, in the State of Wisconsin.

M. Rowell to be postmaster at Hartland, in the State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

THURSDAY, December 20, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

We bless Thee, Almighty God, our Heavenly Father, for that spirit which came into the world nineteen hundred years ago, heralded by the angelic hosts singing, "Glory to God in the highest, and on earth peace, good will toward men," and which has been gradually diffusing itself over the earth, fructifying and ennobling the hearts of men, diminishing selfishness, increasing generosity, diminishing revenge, increasing mercy, diminishing hate, increasing brotherly love, diminishing war, and increasing peace. Grant, O most merciful Father, that the increase may become complete, that Thy kingdom may come and Thy will be done on earth as it is in heaven.

Let Thy blessings attend these Thy servants and their families during the holiday recess and bring us together again at the appointed time in health, strength, and vigor, the better prepared to prosecute the work which Thou has given them to do. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

## CHANGE OF REFERENCE.

By unanimous consent reference of the bill (H. R. 22667) for the relief of the people of Hartsborne, Ind. T., was changed from the Committee on the Public Lands to the Committee on Indian Affairs.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 19293. An act granting an increase of pension to William Colvin;

H. R. 16856. An act granting an increase of pension to Joseph McBride;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;

H. R. 17481. An act granting a pension to Eliza F. Wadsworth;

H. R. 18113. An act granting an increase of pension to Louisa M. Sees;

H. R. 19416. An act granting an increase of pension to Antonio Macello;

H. R. 19503. An act granting an increase of pension to David S. Jones;

H. R. 19601. An act granting an increase of pension to John E. Kingsbury;

H. R. 12667. An act granting an increase of pension to Charles W. Weber;

H. R. 16741. An act granting an increase of pension to William J. Girvan;

H. R. 17874. An act granting an increase of pension to Roseanna Hughes;

H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;

H. R. 19483. An act granting a pension to Lydia A. Patnaude;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 8481. An act granting an increase of pension to Richard Callahan;

H. R. 19298. An act granting an increase of pension to Job B. Crabtree;

H. R. 19359. An act granting an increase of pension to Levi Brader;

H. R. 17675. An act granting an increase of pension to Jonas M. Sees;

H. R. 14199. An act granting an increase of pension to John Ewing;

H. R. 14537. An act granting an increase of pension to Robert B. Crawford;

H. R. 19511. An act granting an increase of pension to Alexander Dixon;

H. R. 19611. An act granting an increase of pension to Jacob Kinklerly;

H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;

H. R. 12339. An act granting an increase of pension to Charles T. Murray;

H. R. 12482. An act granting an increase of pension to Samuel B. McLean;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;

H. R. 18493. An act granting an increase of pension to George H. Reeder;

H. R. 11483. An act granting a pension to Maria Niles;

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 19321. An act granting an increase of pension to Mary E. Turner;

H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;

H. R. 19323. An act granting an increase of pension to Orlando L. Levy;

H. R. 16397. An act granting an increase of pension to Allie Williams;

H. R. 16747. An act granting a pension to Sherman Jacobs;

H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;

H. R. 18429. An act granting an increase of pension to David Mitchell;

H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;

H. R. 19119. An act granting an increase of pension to Susan M. Osborn;

H. R. 13057. An act granting an increase of pension to James S. Salsberry;

H. R. 19300. An act granting an increase of pension to Phebe Easley;

H. R. 17691. An act granting an increase of pension to George W. Henrie;

H. R. 18193. An act granting an increase of pension to Walden Kelly;

H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;

H. R. 19080. An act granting an increase of pension to Frederick Fienop;

H. R. 14480. An act granting an increase of pension to Mary C. Moore;

H. R. 19587. An act granting an increase of pension to Martha Ann Jones;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 18018. An act granting an increase of pension to David Evans;

H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;

H. R. 14680. An act granting an increase of pension to Sampson Parker;

H. R. 11142. An act granting an increase of pension to James McQuade;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 19162. An act granting an increase of pension to Charles Van Tine;

H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;

H. R. 16342. An act granting a pension to Matilda Foster;  
 H. R. 12190. An act granting an increase of pension to Milton R. Dungan;  
 H. R. 4689. An act granting an increase of pension to James Reeder;  
 H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;  
 H. R. 7719. An act granting an increase of pension to George Fetterman;  
 H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;  
 H. R. 18045. An act granting an increase of pension to John M. Webb;  
 H. R. 18214. An act granting an increase of pension to John Ingram;  
 H. R. 19743. An act granting an increase of pension to W. P. McMichael;  
 H. R. 19744. An act granting an increase of pension to George Casper Homan Humel, alias George C. Homan;  
 H. R. 9836. An act granting an increase of pension to Dier Collett;  
 H. R. 3338. An act granting an increase of pension to Lafayette Franks;  
 H. R. 5846. An act granting an increase of pension to John M. Chandler;  
 H. R. 16211. An act granting an increase of pension to John W. Montgomery;  
 H. R. 19463. An act granting an increase of pension to Emma L. Patterson;  
 H. R. 19534. An act granting an increase of pension to Noah Resseque;  
 H. R. 19626. An act granting an increase of pension to Samuel Campbell;  
 H. R. 19922. An act granting an increase of pension to Mary A. Sutherland;  
 H. R. 9465. An act granting a pension to Ella Q. Parrish;  
 H. R. 12517. An act granting a pension to William Bays;  
 H. R. 19889. An act granting an increase of pension to John M. Melson;  
 H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;  
 H. R. 14144. An act granting a pension to Allen M. Cameron;  
 H. R. 9107. An act granting a pension to James W. Russell;  
 H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;  
 H. R. 19530. An act granting an increase of pension to Charles P. Gray;  
 H. R. 19324. An act granting an increase of pension to Susan M. Long;  
 H. R. 19325. An act granting an increase of pension to George Oppel;  
 H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;  
 H. R. 15620. An act granting an increase of pension to David D. Owens;  
 H. R. 17651. An act granting an increase of pension to Mary A. Riley;  
 H. R. 19514. An act granting an increase of pension to James H. Stimpson;  
 H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;  
 H. R. 8712. An act granting an increase of pension to Josiah Hall;  
 H. R. 19174. An act granting an increase of pension to Martha A. Billings;  
 H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;  
 H. R. 19318. An act granting an increase of pension to Mary E. Rivers;  
 H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;  
 H. R. 19320. An act granting an increase of pension to Louise J. Pratt;  
 H. R. 15713. An act granting an increase of pension to William McCrea;  
 H. R. 17918. An act granting a pension to Walter S. Harman;  
 H. R. 18343. An act granting an increase of pension to John N. Oliver;  
 H. R. 18705. An act granting an increase of pension to Thomas T. Page;  
 H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;  
 H. R. 19504. An act granting an increase of pension to Margaret E. Walker;

H. R. 19819. An act granting an increase of pension to Johanna Kearney;  
 H. R. 19215. An act granting an increase of pension to John Lingenfelder;  
 H. R. 18363. An act granting an increase of pension to Rudolph Bentz;  
 H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnowski;  
 H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;  
 H. R. 2978. An act granting a pension to Miranda M. Webb;  
 H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.;  
 H. R. 18113. An act granting an increase of pension to Louisa M. Sees; and  
 H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.  
 The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:  
 S. 55. An act for the widening of Bladensburg road, and for other purposes;  
 S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;  
 S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;  
 S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;  
 S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street;  
 S. 2260. An act authorizing the extension of Meridian place NW.;  
 S. 5246. An act to provide for the extension of Genesee place and Summit place, District of Columbia; and  
 S. 5565. An act to close certain alleys in the District of Columbia.  
 The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:  
 Senate concurrent resolution 38.  
*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."*  
 The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:  
 H. R. 16169. An act granting a pension to Neal O'Donnel Parks;  
 H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;  
 H. R. 19462. An act granting an increase of pension to Emily Fox; and  
 H. R. 19035. An act granting a pension to Elizabeth Moore Morgan.  
 The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:  
 S. 6814. An act granting a pension to Alice Bosworth;  
 S. 6819. An act granting an increase of pension to Nelson Bigalow;  
 S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;  
 S. 6825. An act granting an increase of pension to Thomas M. Roberts;  
 S. 6239. An act granting an increase of pension to Kate M. Miner;  
 S. 6569. An act granting an increase of pension to George Porter;  
 S. 6568. An act granting an increase of pension to Wilbur F. Hodge;  
 S. 5073. An act granting an increase of pension to Daniel G. Smith;  
 S. 831. An act granting an increase of pension to Isaac G. Clark;  
 S. 679. An act granting an increase of pension to Thomas Kelly;  
 S. 6822. An act granting an increase of pension to Christopher Christopherson;



- S. 6821. An act granting an increase of pension to Jonathan M. Adams;
- S. 4182. An act granting an increase of pension to Reuben Smalley;
- S. 6052. An act granting an increase of pension to William E. Redmond;
- S. 6576. An act granting an increase of pension to Michael Meyers;
- S. 5493. An act granting an increase of pension to Marcus Wood;
- S. 5741. An act granting an increase of pension to Amelia M. Hawes;
- S. 6347. An act granting an increase of pension to Edward R. Cunningham;
- S. 6230. An act granting an increase of pension to Nellie Paxton;
- S. 6561. An act granting an increase of pension to George W. Blair;
- S. 6723. An act granting an increase of pension to Augusta P. Morgan;
- S. 6131. An act granting an increase of pension to Frances A. Jepson;
- S. 1347. An act granting a pension to Martha W. Pollard;
- S. 6485. An act granting an increase of pension to Samuel Cook;
- S. 6560. An act granting an increase of pension to Reuben D. Dodge;
- S. 6580. An act granting an increase of pension to Ella B. Green;
- S. 6579. An act granting an increase of pension to Ezekiel Morrill;
- S. 6586. An act granting an increase of pension to Wesley J. Ladd;
- S. 6203. An act granting an increase of pension to Francis W. Crommett;
- S. 10. An act granting an increase of pension to Roswell Prescott;
- S. 5727. An act granting an increase of pension to Lucius Rumrill;
- S. 1257. An act granting an increase of pension to Patrick O'Day;
- S. 6829. An act granting an increase of pension to Thomas P. Cheney;
- S. 4389. An act granting an increase of pension to Florence Plate;
- S. 5725. An act granting an increase of pension to Alonzo S. Prather;
- S. 768. An act granting an increase of pension to William H. Rhoads;
- S. 5443. An act granting an increase of pension to James D. Merrill;
- S. 5980. An act granting an increase of pension to Jacob Smith;
- S. 6186. An act granting an increase of pension to James L. Estlow;
- S. 6438. An act granting an increase of pension to Martha J. Haller;
- S. 6429. An act granting an increase of pension to Mary L. Beardsley;
- S. 5826. An act granting an increase of pension to Isaac C. Phillips;
- S. 1941. An act granting an increase of pension to Elvira A. Kelley;
- S. 1857. An act granting an increase of pension to William Vantilburgh;
- S. 6538. An act granting an increase of pension to Betsey A. Hodges;
- S. 5138. An act granting a pension to Jane Metts;
- S. 6353. An act granting an increase of pension to Dolores S. Foster;
- S. 2749. An act granting an increase of pension to John H. Brooks;
- S. 6466. An act granting an increase of pension to Samuel Moser;
- S. 6267. An act granting an increase of pension to Denis A. Manning;
- S. 4406. An act granting an increase of pension to Susan N. Fowler;
- S. 6636. An act granting an increase of pension to Andrew J. Grover;
- S. 4053. An act granting an increase of pension to William A. Smith;
- S. 6250. An act granting a pension to Alice G. Clark;
- S. 6718. An act granting an increase of pension to Augustus L. Holbrook;
- S. 6705. An act granting an increase of pension to Holmes Clayton;
- S. 6707. An act granting an increase of pension to Stephen E. Lemon;
- S. 6709. An act granting an increase of pension to Samuel Shawver;
- S. 6717. An act granting an increase of pension to Manasa T. Houser;
- S. 480. An act granting an increase of pension to Silas A. Reynolds;
- S. 1891. An act granting an increase of pension to Charles F. M. Morgan;
- S. 5176. An act granting an increase of pension to Lewis C. Jones;
- S. 2734. An act granting an increase of pension to John R. Conyngham;
- S. 822. An act granting an increase of pension to Michael V. Hennessy;
- S. 2737. An act granting an increase of pension to Benjamin Hains;
- S. 4909. An act granting an increase of pension to Louis Sidel;
- S. 4894. An act granting an increase of pension to Robert Ramsey;
- S. 6035. An act granting an increase of pension to John Fox;
- S. 6232. An act granting an increase of pension to John L. Anthony;
- S. 6001. An act granting an increase of pension to Emily Killian;
- S. 5963. An act granting an increase of pension to James Reed;
- S. 5892. An act granting an increase of pension to Daniel W. Redfield;
- S. 6005. An act granting an increase of pension to John G. Bridaham;
- S. 2563. An act granting a pension to Isaac Carter;
- S. 3767. An act granting an increase of pension to Samuel Turner;
- S. 2249. An act granting an increase of pension to George W. Smith;
- S. 6537. An act granting an increase of pension to William Epplinger;
- S. 5823. An act granting an increase of pension to Nelson Virgin;
- S. 3220. An act granting an increase of pension to Wilbur H. Clark;
- S. 123. An act granting an increase of pension to William M. Morgan;
- S. 3221. An act granting an increase of pension to Robert Mills;
- S. 1493. An act granting an increase of pension to Cathrin Huff;
- S. 6645. An act granting an increase of pension to Timothy C. Stillwell;
- S. 1240. An act granting an increase of pension to Dana W. Hartshorn;
- S. 4772. An act granting an increase of pension to Gertrude McNeil;
- S. 5156. An act granting an increase of pension to Granville F. North;
- S. 774. An act granting an increase of pension to August Krueger;
- S. 6126. An act granting an increase of pension to James E. Speake;
- S. 2794. An act granting an increase of pension to John H. Allison;
- S. 6051. An act granting an increase of pension to Mary A. Duncan;
- S. 6882. An act granting an increase of pension to Elisha H. Stephens;
- S. 6881. An act granting an increase of pension to Jefferson Bush;
- S. 2541. An act granting an increase of pension to Thomas W. Murray;
- S. 6008. An act granting an increase of pension to Joseph Lamont;
- S. 2669. An act granting an increase of pension to Winfield S. Ramsey;
- S. 5001. An act granting an increase of pension to Louis A. Baird;
- S. 771. An act granting an increase of pension to S. G. Kreidler;
- S. 4032. An act granting an increase of pension to Solomon Craighton;
- S. 5693. An act granting an increase of pension to Margaret L. Houlihan;
- S. 5084. An act granting a pension to John W. Connell;

S. 4771. An act granting an increase of pension to George R. Turner;  
 S. 6238. An act granting an increase of pension to Hugh S. Strain;  
 S. 6883. An act granting an increase of pension to Thomas W. White;  
 S. 6942. An act granting an increase of pension to William B. Dow;  
 S. 6824. An act granting an increase of pension to Byron Canfield;  
 S. 6826. An act granting an increase of pension to Jacob Turner;  
 S. 6572. An act granting an increase of pension to Aaron L. Roberts;  
 S. 5685. An act granting an increase of pension to James M. Jenkins;  
 S. 6574. An act granting an increase of pension to Maria H. Waggoner;  
 S. 4908. An act granting an increase of pension to William H. Kimball;  
 S. 4510. An act granting an increase of pension to Rufus C. Allen;  
 S. 6997. An act granting an increase of pension to William Kennedy;  
 S. 5771. An act granting a pension to Mary E. Thompson;  
 S. 6650. An act granting an increase of pension to John A. McGinty;  
 S. 7160. An act granting a pension to Kate Myers;  
 S. 5502. An act granting an increase of pension to John B. Coyle;  
 S. 6714. An act granting an increase of pension to Joseph Bolshaw;  
 S. 6712. An act granting an increase of pension to Orin Ingram;  
 S. 2643. An act granting an increase of pension to James H. Thrasher;  
 S. 6767. An act granting an increase of pension to John C. Brown;  
 S. 6506. An act granting an increase of pension to Henry Z. Bowman;  
 S. 5740. An act granting an increase of pension to Jared Ayer;  
 S. 6558. An act granting an increase of pension to Samuel A. Pearce;  
 S. 4542. An act granting an increase of pension to Aaron Daniels;  
 S. 6368. An act granting an increase of pension to Sherrod Hamilton;  
 S. 6632. An act granting an increase of pension to William Davis;  
 S. 6631. An act granting an increase of pension to George W. Hodgman;  
 S. 6978. An act granting an increase of pension to Samuel Jackson;  
 S. 6019. An act granting an increase of pension to Harriet O'Donald;  
 S. 4979. An act granting an increase of pension to Don C. Smith;  
 S. 5067. An act granting an increase of pension to Martin Schultz;  
 S. 7077. An act granting an increase of pension to Mary E. Hattan;  
 S. 6266. An act granting an increase of pension to Paul Baker;  
 S. 3671. An act granting an increase of pension to Louis Castinetti;  
 S. 3763. An act granting an increase of pension to Mary A. Baker;  
 S. 5573. An act granting an increase of pension to Gustavus A. Thompson;  
 S. 6581. An act granting an increase of pension to Joseph W. Lowell;  
 S. 6585. An act granting an increase of pension to Amos Ham;  
 S. 6583. An act granting an increase of pension to Abram P. Colby;  
 S. 6591. An act granting an increase of pension to Henry Campbell;  
 S. 3931. An act granting an increase of pension to Fanny A. Pearsons;  
 S. 6596. An act granting an increase of pension to Cyrus W. Cobb;  
 S. 6597. An act granting an increase of pension to Frank H. Read;  
 S. 6163. An act granting an increase of pension to William H. Westcott;

S. 5599. An act granting an increase of pension to Dennis Flaherty;  
 S. 5041. An act granting an increase of pension to George A. Tucker;  
 S. 6833. An act granting an increase of pension to Bettie Vose;  
 S. 7065. An act granting an increase of pension to Lovisa Donaldson;  
 S. 6505. An act granting an increase of pension to Theodore Morgan Benton;  
 S. 4127. An act granting an increase of pension to Samuel Paine;  
 S. 6514. An act granting an increase of pension to Alfred Augustus Stocker;  
 S. 6885. An act granting an increase of pension to William N. Anderson;  
 S. 6723. An act granting an increase of pension to Augusta P. Morgan;  
 S. 682. An act granting an increase of pension to Jonathan M. Adams;  
 S. 6822. An act granting an increase of pension to Christopher Christopherson;  
 S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;" and  
 S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5119) authorizing the extension of W and Adams streets NW., had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as the conferees on the part for the Senate.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 679. An act granting an increase of pension to Thomas Kelly—to the Committee on Invalid Pensions.  
 S. 6822. An act granting an increase of pension to Christopher Christopherson—to the Committee on Invalid Pensions.  
 S. 6821. An act granting an increase of pension to Jonathan M. Adams—to the Committee on Invalid Pensions.  
 S. 4182. An act granting an increase of pension to Reuben Smalley—to the Committee on Invalid Pensions.  
 S. 6052. An act granting an increase of pension to William E. Redmond—to the Committee on Invalid Pensions.  
 S. 6576. An act granting an increase of pension to Michael Meyers—to the Committee on Invalid Pensions.  
 S. 5493. An act granting an increase of pension to Marcus Wood—to the Committee on Invalid Pensions.  
 S. 5741. An act granting an increase of pension to Amelia M. Hawes—to the Committee on Invalid Pensions.  
 S. 6347. An act granting an increase of pension to Edward R. Cunningham—to the Committee on Invalid Pensions.  
 S. 6230. An act granting an increase of pension to Nellie Paxton—to the Committee on Invalid Pensions.  
 S. 6561. An act granting an increase of pension to George W. Blair—to the Committee on Invalid Pensions.  
 S. 6131. An act granting an increase of pension to Frances A. Jepson—to the Committee on Invalid Pensions.  
 S. 1347. An act granting a pension to Martha W. Pollard—to the Committee on Invalid Pensions.  
 S. 6485. An act granting an increase of pension to Samuel Cook—to the Committee on Invalid Pensions.  
 S. 6560. An act granting an increase of pension to Reuben D. Dodge—to the Committee on Invalid Pensions.  
 S. 6580. An act granting an increase of pension to Ella B. Green—to the Committee on Invalid Pensions.  
 S. 6579. An act granting an increase of pension to Ezekiel Morrill—to the Committee on Invalid Pensions.  
 S. 6586. An act granting an increase of pension to Wesley J. Ladd—to the Committee on Invalid Pensions.  
 S. 6203. An act granting an increase of pension to Francis W. Crommett—to the Committee on Invalid Pensions.  
 S. 10. An act granting an increase of pension to Roswell Prescott—to the Committee on Invalid Pensions.  
 S. 5727. An act granting an increase of pension to Lucius Rumrill—to the Committee on Invalid Pensions.  
 S. 1257. An act granting an increase of pension to Patrick O'Day—to the Committee on Invalid Pensions.



- S. 6829. An act granting an increase of pension to Thomas P. Cheney—to the Committee on Invalid Pensions.
- S. 5725. An act granting an increase of pension to Alonzo S. Prather—to the Committee on Invalid Pensions.
- S. 768. An act granting an increase of pension to William H. Rhoads—to the Committee on Invalid Pensions.
- S. 5443. An act granting an increase of pension to James D. Merrill—to the Committee on Invalid Pensions.
- S. 5980. An act granting an increase of pension to Jacob Smith—to the Committee on Invalid Pensions.
- S. 6186. An act granting an increase of pension to James L. Estlow—to the Committee on Invalid Pensions.
- S. 6438. An act granting an increase of pension to Martha J. Haller—to the Committee on Invalid Pensions.
- S. 6429. An act granting an increase of pension to Mary L. Beardsley—to the Committee on Invalid Pensions.
- S. 5826. An act granting an increase of pension to Isaac C. Phillips—to the Committee on Invalid Pensions.
- S. 1941. An act granting an increase of pension to Elvira A. Kelley—to the Committee on Invalid Pensions.
- S. 1857. An act granting an increase of pension to William Vantilburgh—to the Committee on Invalid Pensions.
- S. 6538. An act granting an increase of pension to Betsey A. Hodges—to the Committee on Invalid Pensions.
- S. 5138. An act granting a pension to Jane Metts—to the Committee on Pensions.
- S. 6353. An act granting an increase of pension to Dolores S. Foster—to the Committee on Invalid Pensions.
- S. 2749. An act granting an increase of pension to John H. Brooks—to the Committee on Invalid Pensions.
- S. 6466. An act granting an increase of pension to Samuel Moser—to the Committee on Invalid Pensions.
- S. 6267. An act granting an increase of pension to Denis A. Manning—to the Committee on Invalid Pensions.
- S. 4406. An act granting an increase of pension to Susan N. Fowler—to the Committee on Invalid Pensions.
- S. 6636. An act granting an increase of pension to Andrew J. Grover—to the Committee on Invalid Pensions.
- S. 4053. An act granting an increase of pension to William A. Smith—to the Committee on Invalid Pensions.
- S. 6250. An act granting a pension to Alice G. Clark—to the Committee on Invalid Pensions.
- S. 6718. An act granting an increase of pension to Augustus L. Holbrook—to the Committee on Invalid Pensions.
- S. 6705. An act granting an increase of pension to Holmes Clayton—to the Committee on Invalid Pensions.
- S. 6707. An act granting an increase of pension to Stephen E. Lemon—to the Committee on Invalid Pensions.
- S. 6709. An act granting an increase of pension to Samuel Shawver—to the Committee on Invalid Pensions.
- S. 6717. An act granting an increase of pension to Manasa T. Houser—to the Committee on Invalid Pensions.
- S. 480. An act granting an increase of pension to Silas A. Reynolds—to the Committee on Invalid Pensions.
- S. 1891. An act granting an increase of pension to Charles F. M. Morgan—to the Committee on Invalid Pensions.
- S. 5176. An act granting an increase of pension to Lewis C. Jones—to the Committee on Invalid Pensions.
- S. 2734. An act granting an increase of pension to John R. Conyngham—to the Committee on Invalid Pensions.
- S. 822. An act granting an increase of pension to Michael V. Hennessy—to the Committee on Pensions.
- S. 2737. An act granting an increase of pension to Benjamin Hains—to the Committee on Invalid Pensions.
- S. 4894. An act granting an increase of pension to Robert Ramsey—to the Committee on Invalid Pensions.
- S. 6935. An act granting an increase of pension to John Fox—to the Committee on Invalid Pensions.
- S. 6232. An act granting an increase of pension to John L. Anthony—to the Committee on Invalid Pensions.
- S. 6601. An act granting an increase of pension to Emily Killian—to the Committee on Invalid Pensions.
- S. 5963. An act granting an increase of pension to James Reed—to the Committee on Invalid Pensions.
- S. 5892. An act granting an increase of pension to Daniel W. Redfield—to the Committee on Invalid Pensions.
- S. 6005. An act granting an increase of pension to John G. Bridgman—to the Committee on Invalid Pensions.
- S. 2563. An act granting a pension to Isaac Carter—to the Committee on Invalid Pensions.
- S. 2767. An act granting an increase of pension to Samuel Turner—to the Committee on Invalid Pensions.
- S. 2240. An act granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.
- S. 6537. An act granting an increase of pension to William Epfinger—to the Committee on Invalid Pensions.
- S. 5823. An act granting an increase of pension to Nelson Virgin—to the Committee on Invalid Pensions.
- S. 3220. An act granting an increase of pension to Wilbur H. Clark—to the Committee on Invalid Pensions.
- S. 123. An act granting an increase of pension to William M. Morgan—to the Committee on Invalid Pensions.
- S. 3221. An act granting an increase of pension to Robert Mills—to the Committee on Invalid Pensions.
- S. 1493. An act granting an increase of pension to Cathrin Huff—to the Committee on Invalid Pensions.
- S. 6645. An act granting an increase of pension to Timothy C. Stillwell—to the Committee on Invalid Pensions.
- S. 4772. An act granting an increase of pension to Gertrude McNeil—to the Committee on Invalid Pensions.
- S. 5156. An act granting an increase of pension to Granville F. North—to the Committee on Invalid Pensions.
- S. 774. An act granting an increase of pension to August Krueger—to the Committee on Invalid Pensions.
- S. 6126. An act granting an increase of pension to James E. Speake—to the Committee on Invalid Pensions.
- S. 2794. An act granting an increase of pension to John H. Allison—to the Committee on Invalid Pensions.
- S. 6051. An act granting an increase of pension to Mary A. Duncan—to the Committee on Invalid Pensions.
- S. 6882. An act granting an increase of pension to Elisha H. Stephens—to the Committee on Invalid Pensions.
- S. 6881. An act granting an increase of pension to Jefferson Bush—to the Committee on Invalid Pensions.
- S. 2541. An act granting an increase of pension to Thomas W. Murray—to the Committee on Invalid Pensions.
- S. 6008. An act granting an increase of pension to Joseph Lamont—to the Committee on Invalid Pensions.
- S. 2669. An act granting an increase of pension to Winfield S. Ramsey—to the Committee on Invalid Pensions.
- S. 5001. An act granting an increase of pension to Louis A. Baird—to the Committee on Pensions.
- S. 771. An act granting an increase of pension to S. G. Kreidler—to the Committee on Invalid Pensions.
- S. 4032. An act granting an increase of pension to Solomon Craighton—to the Committee on Invalid Pensions.
- S. 5084. An act granting a pension to John W. Connell—to the Committee on Pensions.
- S. 6814. An act granting a pension to Alice Bosworth—to the Committee on Invalid Pensions.
- S. 6819. An act granting an increase of pension to Nelson Bigalow—to the Committee on Invalid Pensions.
- S. 677. An act granting an increase of pension to Albert G. Peabody, jr.—to the Committee on Invalid Pensions.
- S. 6825. An act granting an increase of pension to Thomas M. Roberts—to the Committee on Invalid Pensions.
- S. 6239. An act granting an increase of pension to Kate M. Miner—to the Committee on Invalid Pensions.
- S. 6569. An act granting an increase of pension to George Porter—to the Committee on Invalid Pensions.
- S. 6568. An act granting an increase of pension to Wilbur F. Hodge—to the Committee on Invalid Pensions.
- S. 5073. An act granting an increase of pension to Daniel G. Smith—to the Committee on Invalid Pensions.
- S. 831. An act granting an increase of pension to Isaac G. Clark—to the Committee on Invalid Pensions.
- S. 4771. An act granting an increase of pension to George R. Turner—to the Committee on Invalid Pensions.
- S. 6238. An act granting an increase of pension to Hugh S. Strain—to the Committee on Invalid Pensions.
- S. 6883. An act granting an increase of pension to Thomas W. White—to the Committee on Invalid Pensions.
- S. 6942. An act granting an increase of pension to William B. Dow—to the Committee on Invalid Pensions.
- S. 6824. An act granting an increase of pension to Byron Canfield—to the Committee on Invalid Pensions.
- S. 6826. An act granting an increase of pension to Jacob Turner—to the Committee on Invalid Pensions.
- S. 6572. An act granting an increase of pension to Aaron L. Roberts—to the Committee on Invalid Pensions.
- S. 6574. An act granting an increase of pension to Maria H. Waggoner—to the Committee on Invalid Pensions.
- S. 4908. An act granting an increase of pension to William H. Kimball—to the Committee on Pensions.
- S. 4510. An act granting an increase of pension to Rufus C. Allen—to the Committee on Pensions.
- S. 6997. An act granting an increase of pension to William Kennedy—to the Committee on Invalid Pensions.

S. 5771. An act granting a pension to Mary E. Thompson—to the Committee on Invalid Pensions.

S. 6650. An act granting an increase of pension to John A. McGinty—to the Committee on Invalid Pensions.

S. 7160. An act granting a pension to Kate Myers—to the Committee on Invalid Pensions.

S. 5502. An act granting an increase of pension to John B. Coyle—to the Committee on Invalid Pensions.

S. 6714. An act granting an increase of pension to Joseph Bolshaw—to the Committee on Invalid Pensions.

S. 6712. An act granting an increase of pension to Orin Ingram—to the Committee on Invalid Pensions.

S. 2643. An act granting an increase of pension to James H. Thrasher—to the Committee on Invalid Pensions.

S. 6767. An act granting an increase of pension to John C. Brown—to the Committee on Invalid Pensions.

S. 6506. An act granting an increase of pension to Henry Z. Bowman—to the Committee on Invalid Pensions.

S. 5740. An act granting an increase of pension to Jared Ayer—to the Committee on Invalid Pensions.

S. 4542. An act granting an increase of pension to Aaron Daniels—to the Committee on Pensions.

S. 6368. An act granting an increase of pension to Sherrod Hamilton—to the Committee on Invalid Pensions.

S. 6632. An act granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

S. 6631. An act granting an increase of pension to George W. Hodgman—to the Committee on Invalid Pensions.

S. 6978. An act granting an increase of pension to Samuel Jackson—to the Committee on Invalid Pensions.

S. 6019. An act granting an increase of pension to Harriet O'Donald—to the Committee on Invalid Pensions.

S. 4979. An act granting an increase of pension to Don C. Smith—to the Committee on Invalid Pensions.

S. 5067. An act granting an increase of pension to Martin Schultz—to the Committee on Invalid Pensions.

S. 7077. An act granting an increase of pension to Mary E. Hattan—to the Committee on Invalid Pensions.

S. 6266. An act granting an increase of pension to Paul Baker—to the Committee on Invalid Pensions.

S. 3671. An act granting an increase of pension to Louis Castinette—to the Committee on Invalid Pensions.

S. 3763. An act granting an increase of pension to Mary A. Baker—to the Committee on Invalid Pensions.

S. 5573. An act granting an increase of pension to Gustavus A. Thompson—to the Committee on Invalid Pensions.

S. 6581. An act granting an increase of pension to Joseph W. Lowell—to the Committee on Invalid Pensions.

S. 6585. An act granting an increase of pension to Amos Ham—to the Committee on Invalid Pensions.

S. 6583. An act granting an increase of pension to Abram P. Colby—to the Committee on Invalid Pensions.

S. 6591. An act granting an increase of pension to Henry Campbell—to the Committee on Invalid Pensions.

S. 3931. An act granting an increase of pension to Fanny A. Pearsons—to the Committee on Invalid Pensions.

S. 6596. An act granting an increase of pension to Cyrus W. Cobb—to the Committee on Invalid Pensions.

S. 6597. An act granting an increase of pension to Frank H. Read—to the Committee on Invalid Pensions.

S. 6163. An act granting an increase of pension to William H. Westcott—to the Committee on Invalid Pensions.

S. 5599. An act granting an increase of pension to Dennis Flaherty—to the Committee on Invalid Pensions.

S. 7065. An act granting an increase of pension to Lovisa Donaldson—to the Committee on Invalid Pensions.

S. 4127. An act granting an increase of pension to Samuel Paine—to the Committee on Invalid Pensions.

S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 679. An act granting an increase of pension to Thomas Kelly—to the Committee on Invalid Pensions.

S. 6538. An act granting an increase of pension to Betsey A. Hodges—to the Committee on Invalid Pensions.

S. 6353. An act granting an increase of pension to Dolores S. Foster—to the Committee on Invalid Pensions.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

#### SHOSHONE INDIAN RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21202) fixing time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on the same.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a bill the title of which will be reported by the Clerk, the bill having been read in the House on Monday, December 17, 1906. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I ask the gentleman from Wyoming to yield to me for a moment.

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. Yes.

Mr. MANN. Mr. Speaker, somewhat moved by the spirit of the season, I have not objected now upon the last day of the session before adjournment for the holidays to the request of the gentleman for consideration of the bill. I objected before for this reason: Under the practice of Congress recently in reference to opening Indian reservations we provide practically for a lottery. Those people who are fortunate enough to draw prizes in the lottery receive something better than the other people do. There are usually a great many applications, a few people draw the prizes, and it has seemed to me that when these few people draw the prizes and obtain something which their neighbors can not obtain, they ought to be compelled to strictly comply with the provisions of the law as it existed at the time they drew their prizes.

Mr. STEPHENS of Texas. Will the gentleman yield for a moment?

Mr. MANN. Not at present. In a moment I will. As a matter of fact, in many of those cases it has become the custom of the lawyers and the doctors and the ministers and the merchants to put in their applications as claimants for this land, with no expectation whatever of ever living upon the land or ever becoming homesteaders.

But if they are lucky enough to draw the prize under which they may make an entry, they make the entry, and then at the proper time they sell their relinquishment of the entry to some poor sinner who wants to really live on the land, and that purchaser takes the relinquishment to the land office, files a relinquishment, at the same time filing upon the land himself; but the homesteaders have been compelled to pay to the fortunate drawers of prizes in the lottery a considerable sum of money for the privilege of becoming a homesteader.

Mr. PAYNE. Mr. Speaker—

Mr. MANN. I yield first to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call the gentleman's attention to the fact that these lands are situated in a part of Wyoming where the altitude is very great and where the winters are long and rigorous, and also to the fact there are no settlements near these lands, and these people, if forced to go in there in the winter time, away from all settlements, where they have no conveniences of civilization, will have to suffer, and I do not think the gentleman would desire any man to be forced to go to a country to seek a homestead where they have to undergo such hardships to secure their rights as these people would have to undergo, as I understand the gentleman from Wyoming.

Mr. MANN. All these matters have been very carefully explained to me by the gentleman from Wyoming, but, as a matter of fact, Congress provided by law for the opening of this reservation at a time when Congress knew that the six months would expire in the middle of winter, and I have no doubt that in this case most of the people who really intended to occupy the land have all gone on the land and that most of the people who intended to sell their relinquishment are very anxious to have the time extended, because it is a difficult matter during the middle of winter to find a purchaser of the relinquishment; but when spring comes they are enabled to find purchasers for the land, and I dare say that a majority of the people who have made



entries upon this land and have not yet taken possession never will become actual homesteaders. If it were not for the fact that a small portion, probably, or some portion of these people who have not yet taken possession are absolutely desirous of becoming real homesteaders, and if this resolution did not pass they would lose not only the right to this land, but the right to any homestead at all in the future, I would still object; and I simply want to say to gentlemen interested in these Indian reservation openings that so long as I am here and have the right to be heard and object I will in the future object to provisions which seem to me to give a preference to one class of people over another and a preference to those who are lucky enough to draw prizes over those who are unlucky enough to fail.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. NORRIS. While I agree very fully with most of what the gentleman has said, I would like to call his attention, however, to the fact that, at least as I understand the law, should one of those people sell their relinquishment now the purchaser would have six months within which to settle on the land, so that, as a matter of fact, if this transfer were made now it would give the purchaser until warm weather to make his actual settlement.

Mr. MANN. That is true, I suppose, but they can not find a purchaser in midwinter.

Mr. NORRIS. Yes; if he was going to have six months to go on the land. People who are really interested in this legislation are those who for some reason or other have been unable to make their settlement, and it is rather a hardship to require them to make it at this time of the year.

Mr. MANN. Of course some people who want the land will buy a pig in a poke, but not many. Most of the purchasers want to see the land, and if these people want to sell the relinquishment in midwinter the purchaser can not see the land—

Mr. NORRIS. He will have six months—

Mr. MANN. But he has to make the purchase of the relinquishment before he can see the land.

Mr. MONDELL. Mr. Speaker, we have had a very interesting discussion of this matter from the standpoint of the gentleman from Illinois [Mr. MANN], who suggests some things that might happen, and I ask the indulgence of the House for just a moment while I state the facts as they do exist.

The fact is that if there were people who drew what might be considered prizes in this lottery—particular land—they would not be affected by this legislation, for the men who had the first choice of entry naturally located in the accessible portion of the reservation adjacent to the newly established towns, and in order to prevent the possibility of a contest they immediately settled upon their lands. It was possible to do so because of the proximity of settlements and stores and opportunities to secure lumber. That is true also of the settlers who lived in the vicinity of the reservation after its opening. But the entrymen came from Iowa, Illinois, and Michigan, and Indiana, and Texas to file upon these lands. Many of them, as well as some of the people who lived in the locality, took lands at quite a distance from the towns, at quite a distance from the railway, where it was utterly impossible to make settlement in the two months and a half of good weather succeeding the date of their entry. Those men could not without great hardship get into that region in the middle of winter, build their houses, and establish themselves and their families upon the land. If there are any entrymen on these lands affected by this bill who have in their mind the thought that they may sometime relinquish their right, none such has come to my knowledge, and a knowledge that is pretty general in regard to the conditions as they exist. This legislation is necessary, owing to the fact that Congress said when these men should file. It was not optional with them. They must file at a time when the expiration of the six months brought them into the middle of the winter, on desert lands far from railways, far from timber supply, inhospitable in the middle of winter, in a severe climate, at an altitude of 5,000 feet above sea level. This is the usual relief granted to honest, intending settlers under similar circumstances.

I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the six months' provision to which reference has been made is a general law, applicable to all cases. The man who takes public land in Kansas at any time of the year would have six months after his first filing in which to occupy the land. This is a general provision. The application of this general provision to the opening in Wyoming at this high altitude in this particular instance makes it so that either the original opening had to be too early in the season or the actual occupation had to be too late in the season. The first bill proposed to make the opening early in the spring, and it

was found that the floods were such and the condition of the climate was such that it would prove a very great inconvenience to the intending settlers to have to go and select their lands at that time. So the bill was amended, putting the entry at a later date in the summer, and that later date, of course, carried the six months forward into the winter again.

Mr. MANN. To how late in the season does this resolution extend the time?

Mr. LACEY. To the 15th of May.

Mr. MANN. Does the gentleman contend that if this resolution extends the time to May 15 for next spring that May 15 of last spring would have been so early that nobody could get in on account of high water and the floods?

Mr. LACEY. That is a very natural suggestion. But my friend, when he comes to understand the facts, will see, whilst it seems correct, it does not hit the situation. A railroad has been extended since then. At the time this opening was proposed there was no railroad. Bridges have been built since then, so that, so far as the floods are concerned, the lands will be accessible at the time named; and, in fact, if anyone now has his land, and, having selected it, wants to cultivate any of it next year, he will have to go in early enough in the spring to do that.

Mr. MANN. Is there any railroad through this land now?

Mr. LACEY. Yes.

Mr. MANN. They would still have the same difficulties about floods this spring as they had last spring?

Mr. LACEY. The railroad crosses the streams and they have access to the land now.

Mr. MANN. The railroad does not run into the land?

Mr. LACEY. It runs across the streams to the land, so they have access now that they did not have then.

Mr. MANN. There will be the same condition next spring that there was last spring?

Mr. LACEY. No. The land is now accessible.

Mr. MANN. But the gentleman who had charge of the bill last spring insisted to the House that June or May was not too early for the opening last spring.

Mr. LACEY. They insisted on making it later.

Mr. MANN. They insisted on making it early.

Mr. LACEY. No; later. I am on both committees, I will say to the gentleman.

Mr. MANN. It was the gentleman from New York who insisted on having it delayed. The gentleman who introduced the bill and the committee insisted on having it earlier.

Mr. LACEY. It was not early; the proposition was to make it in May. It was to allow it to be later in the season, in order to give them better time to search and occupy the lands. Now a portion of these lands can not be settled upon at all until they get water upon them, at least not successfully. They will have to build their little buildings and take possession, but they can not farm the land until they secure water. It is not like the ordinary settlement in Nebraska, the Dakotas, or Kansas. It is irrigable land. Now, let me make this suggestion: The very purpose that the gentleman from Illinois seems to have in his mind, and which he says would be bad for all parties and ought not to be carried out, would, by refusal to protect these men in their rights in these lands, be to compel them to make relinquishment to some one who will file a new settlement, and will thus have his time extended later. In other words, it would give them time running over into next spring, late enough for the weather to permit occupancy. But if the time were extended as suggested, these original locators will have time to go on and occupy their own land instead of being compelled to relinquish. They will, if the law is not modified, be compelled to relinquish so as to allow a new settler to obtain the right to move on the land next spring instead of in midwinter.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Iowa if he would be in favor of a uniform law extending the time to apply to all homestead settlers; those who went up into the Shoshone country and were unfortunate or not successful in drawing in the lottery and went into Montana or some part of Wyoming or into South Dakota and made homesteads? Would the gentleman be willing to consent that a law might be passed extending this right to them and give them additional time?

Mr. LACEY. I will ask the gentleman if he has introduced such a bill?

Mr. BURKE of South Dakota. I have not.

Mr. LACEY. When the gentleman introduces such a bill as that we will consider it. We are talking about a peculiar situation applicable to one place. When the other question is taken up by the committee, it will be time enough to answer.

Mr. MONDELL. I ask for a vote, Mr. Speaker.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House resolution 647, the distribution of the annual message of the President.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House resolution 647, the distribution of the President's message.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LACEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House resolution 647, having reference to the President's message.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, I shall not take any time in an explanation of this resolution. It is the same old resolution which the House has had before it a good many times, taking up the different parts of the President's annual message and referring them to the appropriate committees. There are a couple of amendments suggested by the committee—and only two—since it was introduced. One of them is to strike out the word as to "Cuba" in referring to the Committee on Insular Affairs matters referring to insular affairs. The word "Cuba" got into the resolution through a mistake—I suppose by the assistant clerk. I did not know that it was in myself. The other is on page 2, line 7, striking out the words "intercolonial railways and cables." The language itself was put in by the House two or three years ago, and it seemed to the committee rather inapt. But aside from that there was no allusion in the President's message to either of these subjects; so the committee proposes to strike out these words by an amendment. Otherwise the resolution is in the form adopted by the House a year ago, adding the new subjects as far as they are referred to in the message.

Mr. HEPBURN. Will the gentleman state why it was that a change was made upon the question of cables? The question of cables has always been under the jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. The words are "intercolonial railways and cables." The committee could not recall any intercolonial railway. There may be intercolonial cables, but as the message did not refer to either of these subjects the suggestion was made of an amendment to strike the words out. It was not my amendment, I will say to the gentleman, but it was adopted by the committee.

Mr. HEPBURN. The very fact that it was not in there would not be a reason for striking it out, it seems to me.

Mr. PAYNE. Does the gentleman know anything on the subject of intercolonial railways?

Mr. HEPBURN. No; I do not know anything about them, and I do not know how you would get railways of that kind.

Mr. PAYNE. I do not know how that got in there.

Mr. HEPBURN. I do not know.

Mr. PAYNE. I am not authorized by the committee to accept any amendments, and I think "intercolonial railways" ought to be stricken out. So far as "intercolonial cables" are concerned, if the gentleman desires it, I have no personal objection to those words remaining.

Mr. HEPBURN. I think they ought to be retained.

Mr. PAYNE. While, as I say, I am not authorized by the committee to accept any amendments, yet if the gentleman wishes to move an amendment to the amendment, so as to leave in "intercolonial cables," and strike out the "railways," I hope he will do so.

Mr. DALZELL. This is a resolution referring the subjects in the President's message. There is no such subject in the President's message as intercolonial railways.

Mr. HEPBURN. I understand that, but it takes for its model the resolution of the preceding session, and I do not want this to become a precedent.

Mr. DALZELL. There is no danger of that.

Mr. HEPBURN. It has been done in this case, and the gentleman gives as a reason because he found it in the old one.

Mr. PAYNE. In preparing the resolution we struck out a number of things that were in the former resolution, because

there was no reference to them in the message, and that is the usual custom in preparing the resolution.

Mr. HEPBURN. With the understanding that this is not to be regarded as a precedent, I have no objection to its going, under the circumstances, as the gentleman has reported it. But I do not want it to be said next time that it is the custom to do thus and so.

Mr. PAYNE. I will say to the gentleman that I can not see how it can be regarded as a precedent, because no one would dispute the right of the gentleman's committee to consider the subject of intercolonial railways, if there were any such. Of course there can not be. And no one will dispute the right of the gentleman's committee to consider the subject of intercolonial cables, whenever that subject is referred to in a President's message.

Mr. PARKER. Will the gentleman allow a question? I do not understand what an "intercolonial cable" is. We have authority to report from the Military Committee as to cables to Alaska for the Signal Service.

Mr. PAYNE. That would not be regarded as an intercolonial cable; but in the Philippine Islands there are cables stretching between the islands, and while I do not think the expression "intercolonial" is an apt one, yet it has reference to that.

Mr. PARKER. "Colonial" is a very bad expression.

Mr. PAYNE. "Interisland" would be a very much better term.

Mr. PARKER. The language is to be stricken out altogether as reported by the committee?

Mr. PAYNE. That is the amendment reported by the committee, to which, I understand, the gentleman from Iowa, under the express disclaimer that it establishes no precedent, has no objection.

Mr. HEPBURN. Very well, sir.

Mr. OLMSTED. I should like to ask the gentleman from New York with reference to the change indicated on page 3, striking out the words "and to Cuba." Are there no references to relations with Cuba in the message, or why are the words to be stricken out?

Mr. PAYNE. There was a reference to Cuba in the message, but the House a year ago struck out those words, and I endeavored to have them stricken out when this resolution was drawn, but the clerk who prepared the resolution made a mistake in regard to that. The reason is that Cuba has become a foreign country, and, of course, that subject will go to the Committee on Foreign Affairs. The Insular Committee loses jurisdiction of it through that fact.

Mr. OLMSTED. Well, Cuba has always been a foreign country, has it not?

Mr. PAYNE. No; at least while it was under the control of the United States and before a government had been formed there the jurisdiction of it was given to the Committee on Insular Affairs.

Mr. OLMSTED. Are we not exercising some sort of control over there just now?

Mr. PAYNE. We are exercising a large measure of control there now, but still it has not interfered with the relations of Cuba as a foreign country in any other respect. We are trying to preserve it as a foreign country, although it is a pretty hard job.

Mr. OLMSTED. There is a rule of the House expressly providing that matters relating to Cuba shall go to the Committee on Insular Affairs. Why should the practice be changed?

Mr. HEPBURN. The rule of the House ought to be changed.

Mr. PAYNE. I do not see how this changes the rule which refers foreign affairs to the Foreign Affairs Committee.

Mr. OLMSTED. It violates the other rule.

Mr. HEPBURN. I should like to ask the gentleman from New York if all of the subjects discussed by the President have been respectively treated by being referred to appropriate committees?

Mr. PAYNE. Well, the endeavor has been to refer them all to appropriate committees. Has the gentleman anything in his mind that he thinks is not included in the resolution?

Mr. HEPBURN. Nothing that I desire specifically to discuss at this time.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. To what committee has that portion of the President's message about race suicide and divorce been referred?

Mr. PAYNE. That would naturally go to the Committee on the Judiciary, as that involves an amendment to the Constitu-



tion, and we refer all matters of that kind to that committee. If Congress in its wisdom should see fit to appoint a special committee having that in charge, then the matter might be reconsidered and that part of the message go to that special committee. As I look around me I could almost name the special committee well suited to have that matter in charge, but I do not wish to be personal.

Mr. CLARK of Missouri. It seems to me it would need an amendment to somebody's constitution. [Laughter.]

Mr. MANN. Will the gentleman from New York yield for a question?

Mr. PAYNE. Certainly.

Mr. MANN. I would like to ask the gentleman why, in reference to the jurisdiction of the Committee on Interstate and Foreign Commerce, the committee reports striking out the intercolonial railways and cables?

Mr. PAYNE. I fully explained that a few moments ago to the able chairman of the committee, the gentleman from Iowa, who was satisfied to have it go out under the statement that was made at the time. There is nothing in the message referring to those subjects is one complete answer to it.

Mr. MANN. I am delighted to know that there is one subject that was not touched upon in the message.

Mr. PAYNE. I explained to the committee how this case came to be brought up in the committee; the language itself is inapt, to say the least. There are no intercolonial railways; there are what might be called intercolonial cables, but it would be more appropriate to call them interisland cables.

Mr. MANN. The reason I ask the question is because it is a live question.

Mr. PAYNE. There is nothing in the message about it.

Mr. MANN. I understand that; but this is a sort of a direction to the Speaker in referring these matters.

Mr. PAYNE. No; I might say that the gentleman from Iowa is satisfied that it is not a precedent; that all these questions would go to his committee, the committee of which the gentleman from Illinois is such an honorable member; they would go to that committee by direction of the Speaker of the House, and would have to go there.

Mr. MANN. Of course I think they ought to go there, but if the House adopts an amendment striking out cables—where it adopts an amendment striking out cables from the United States to Porto Rico and from Porto Rico to Panama, it is in the nature of a direction. Now, at the last session of Congress they had that proposition before three different committees at the same time; when they couldn't work one committee they would try to work another committee. I do not say improperly for all the propositions were proper, but if this is to be construed as an expression of opinion on the part of the House that that proposition should be taken away from the jurisdiction of the Committee on Interstate and Foreign Commerce, I would like to know it.

Mr. PAYNE. The gentleman from Illinois is getting into exactly the same train of mind as the chairman of the committee, who made almost that same remark.

Mr. MANN. That is a great credit to me.

Mr. PAYNE. I think it is creditable to both gentlemen. I hope the gentleman from Illinois will emulate the gentleman from Iowa. I replied to him that I could not see how it was to be construed as a precedent, because there was nothing on that subject to refer to this committee, and it was stricken out on that ground. That being so, I did not see how it could establish any precedent. I hope the gentleman from Illinois will still follow the gentleman from Iowa.

Mr. MANN. All I wanted was the assurance of the gentleman from New York to me, because I knew as far as the merits of the proposition were concerned, the gentleman from Iowa is always able to take care of the jurisdiction of his committee.

Mr. PAYNE. I agree to that most fully. Now, Mr. Chairman, if there are no further questions, I suggest that the amendments be reported.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

On page 2, line 7, strike out the words "intercolonial railways and cables."

The amendment was considered and agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

On page 3, line 15, strike out the words "and to Cuba."

Mr. OLMSTED. Mr. Chairman, I would like to be heard just a moment on that amendment. It seems to me that it ought not to prevail. Rule 11 of this House provides for the assign-

ment of matters to committees, and provides specifically that all matters "pertaining to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba" shall be referred to the Committee on Insular Affairs. Now, the relations of this Government to Cuba are somewhat the same as they were when that rule was adopted.

The Committee on Insular Affairs is a very large committee of nineteen members. The chairman is not here to-day. I think that if he were he would oppose this amendment, and I feel I ought to, in his behalf, oppose it. I do not see any particularly good reason why the plain letter of the rule should be violated in the adoption of this amendment.

Mr. DALZELL. Mr. Chairman, I should like to suggest to the gentleman from Pennsylvania [Mr. OLMSTED] that the conditions under which that rule was made are entirely different from what they are now. It would not be proper, it seems to me, for us to refer matters relating to Cuba under that rule. Cuba is now an independent country. Our position down there does not correspond in the least degree to what it did when that rule was adopted, and if the gentleman reads the context it will be apparent to him that it has no reference, strictly construed, to the conditions that now exist. I think it would not be the proper thing, taking into consideration our relations to Cuba, to make any such order.

Mr. OLMSTED. We are exercising now a certain control there, different perhaps from that which we exercised when the rule was adopted.

Mr. PAYNE. A year ago this question came up precisely as it does to-day. I think the chairman of the gentleman's committee was here at the time. I think the gentleman has got the size of that committee rather large, because there are no committees in the House of nineteen members.

Mr. OLMSTED. There are nineteen members accredited to this committee. I have just counted them.

Mr. PAYNE. There are only eighteen under the rule. I think perhaps the Commissioner was added as a sort of an advisory member. I want to say that a year ago this was stricken out, because we have given Cuba a separate government. Things have transpired during the past year by which we have had to go down there and try to maintain that separate government on the part of Cuba. I think it would be very unwise in the face of that, and in the face of the insinuations that have been thrown out that we are trying to grasp Cuba, to refer this part of the message to a committee that is organized for the express purpose of taking care of the insular possessions of the United States.

Mr. OLMSTED. When the Committee on Insular Affairs was created and this rule adopted we were not trying to grasp anything in Cuba any more than we are to-day.

Mr. PAYNE. The gentleman must see the difference. They had not formed a government. We were striving then to give them a separate government, and they were under the control of the United States. We had a military government down there at that time. It was under the control of the United States then, but we were striving to form an independent government. It was not formed until years afterwards.

Mr. OLMSTED. Are we not trying to form one there now?

Mr. PAYNE. The moment it was formed we struck out that part of the resolution. It only crept in this time by mistake, because the committee tried to conform to the will of the House when the matter was up before. The trouble was that the gentleman probably was absent then, though I think the chairman of his committee was present, and it went out with the universal consent on the part of all Members of the House without discussion.

Mr. OLMSTED. Conditions have changed since then.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will excuse the interruption, there is another and very vital difference. At that time Cuba was under the flag of the United States. That was the flag flying there. The flag flying in Cuba now is the Cuban flag.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York [Mr. PAYNE] a question. I have not had time to read the President's message as thoroughly as I shall do, but I would like to know if there is any portion containing any references to the Isle of Pines. Where does that come in this resolution? That is a very important matter.

Mr. PAYNE. I don't think there is a word in the message about the Isle of Pines. If there were, it would go to the Committee on Foreign Relations.

Mr. GAINES of Tennessee. Well, there is nothing about it, as I can see, in this resolution.

Mr. PAYNE. I don't think there is anything in the message about it. That would be a good reason for its not being in the resolution. I want to say to the gentleman that I went through

the message very carefully for the purpose of drawing this resolution, and marked in the margin the reference to each subject as I went along and then dictated the resolution from that. I am very confident the gentleman can not find anything in the message with reference to the Isle of Pines.

Mr. GAINES of Tennessee. I do not say that I have. On the contrary, I say that I have not read the message as carefully as I shall do. It is a very important matter. The Lord knows, I believe, we do not want any more colored folks under our flag. Still a great many of our white people have gone there and have invested their money there and are very much interested in it, and the Senate has discussed the subject.

Mr. PAYNE. Of course if anything should come up hereafter, if any petition should be brought in or any bill introduced, it will be up to the Speaker to refer it in the first instance, and for the House to correct the reference if the House is not satisfied with it. This will not influence it in any way, because there is nothing in the message with reference to the Isle of Pines.

Mr. GAINES of Tennessee. That being the case—

Mr. OLMSTED. Mr. Chairman—

Mr. MANN. Will the gentleman from New York permit—

Mr. OLMSTED. I supposed I had the floor.

Mr. PAYNE. This is under the five-minute rule, Mr. Chairman. This debate on the amendment is under the five-minute rule.

Mr. OLMSTED. I wish to say, Mr. Chairman, that rather than involve the country in any international complication, as gentlemen seem to fear, I withdraw my opposition to the amendment of the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee rise and report the resolution with amendments to the House with the recommendation that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 647, for the disposition of the President's message, and had directed him to report the same back with amendments, with the recommendation that the resolution as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, they will be voted upon together.

The amendments were agreed to.

The resolution as amended was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

#### REPRINT OF BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCLEARY of Minnesota. To submit a question for unanimous consent for the reprint of a bill.

The SPEAKER. The gentleman from Minnesota.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the reprint of a thousand copies of the bill H. R. 13304 and the report thereon. There is a great deal of demand for the bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13304) to provide a suitable memorial to the memory of Christopher Columbus.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for a reprint of a thousand copies of this bill and the report thereon. Is there objection? [After a pause.] The Chair hears none.

The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution No. 28.

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 6197) entitled "An act granting an increase of pension to Charles E. Henry."*

The SPEAKER. Is there objection to the consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

#### ADJOURNMENT FOR HOLIDAYS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, under the order heretofore adopted (at 12 o'clock and 50 minutes p. m.), the House adjourned to meet on January 3, 1907, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah Grisson against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. M. McNamee, administrator of estate of John Krider, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for marking the boundary line between the United States and Canada—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for temporary quarters for the post-office at Columbus, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of resurvey of Honolulu Harbor, Hawaii—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of plan and estimate of new lock for St. Marys Falls Canal, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tombigbee River from Demopolis, Ala., to Columbus, Miss.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting statement of expenditures on account of the contingent expenses of the Department for the fiscal year ended June 30, 1906—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

A letter from the Secretary of State, submitting report on the subject of citizenship, expatriation, and protection abroad—to the Committee on Foreign Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, a bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 23017) for the issue and redemption of national-bank guaranteed credit notes, reported the same without amendment, accompanied by a report (No. 5629); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CALDERHEAD: A bill (H. R. 23109) to fix the pay of the Army—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 23110) declaratory of the intent of Congress in acts heretofore passed relating to Spanish and Mexican grants, and for other purposes—to the Committee on Private Land Claims.

By Mr. FOWLER: A bill (H. R. 23111) amendatory to an act entitled "An act to define and fix the standard of value of money coined by the United States"—to the Committee on Banking and Currency.

By Mr. REEDER: A bill (H. R. 23112) granting an increase of 20 per cent to pensioners of the war of the rebellion in certain cases—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 23113) authorizing the procuring of additional land for the enlargement of the site for the public building at Battle Creek, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 23114) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of duti-



able merchandise without appraisement—to the Committee on Ways and Means.

Also, a bill (H. R. 23115) to encourage the holding of an Alaska-Yukon-Pacific exposition at the city of Seattle, State of Washington, in the year 1909—to the Committee on Industrial Arts and Expositions.

By Mr. BROWNLOW: A bill (H. R. 23116) to extend Fourth street SE.—to the Committee on the District of Columbia.

By Mr. BROOCKS of Texas: A bill (H. R. 23117) for the erection of a Federal building at Port Arthur, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23118) for the erection of a Federal building at Marshall, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 23119) for enlarging the post-office site at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. BROOCKS of Texas: A bill (H. R. 23120) for the erection of a Federal building at Orange, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. MCKINNEY: A joint resolution (H. J. Res. 207) declaring Sturgeon Bay, Illinois, not navigable water—to the Committee on Interstate and Foreign Commerce.

Also, a joint resolution (H. J. Res. 208) providing for the construction of a dike or levee across Sturgeon Bay, Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A resolution (H. Res. 672) requesting the Secretary of the Treasury to transmit to the House certain information concerning Federal buildings at Chicago—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 673) requesting certain information from the Secretary of the Interior concerning the Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 23121) granting an increase of pension to Frank Vrooman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23122) granting an increase of pension to Melissa D. Whitman—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 23123) granting an increase of pension to Asahel E. Chaffee—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23124) granting an increase of pension to J. P. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23125) granting an increase of pension to J. D. McCain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23126) granting an increase of pension to James W. Kuykendall—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 23127) granting an increase of pension to Mary C. Knowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23128) granting an increase of pension to Osborn W. Fish—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23129) granting an increase of pension to David W. Quick—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23130) granting an increase of pension to James Magee—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 23131) granting an increase of pension to Zelotus J. Stewart—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 23132) granting an increase of pension to Joseph W. Cummings—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 23133) granting an increase of pension to John Cowan—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 23134) granting an increase of pension to Irene J. Love—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 23135) granting a pension to Rosanna King—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 23136) granting an increase of pension to Sylvanus Slort—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 23137) granting an increase of pension to Henry S. Irish—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23138) granting an increase of pension to Phillip Loney—to the Committee on Pensions.

Also, a bill (H. R. 23139) granting an increase of pension to Gardner H. Deremer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23140) granting a pension to Gilbert E. Burgoyne—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23141) granting an increase of pension to Clara E. Daniels—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 23142) to correct the military record of David C. Litchfield—to the Committee on Military Affairs.

By Mr. GILLET: A bill (H. R. 23143) granting an increase of pension to John H. Robbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23144) granting an increase of pension to Albert T. Chapin—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23145) granting a pension to Annie O'Rourke—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 23146) granting an increase of pension to Alfred M. Cox—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23147) for the relief of the estate of Jacob Driver, deceased—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 23148) granting an increase of pension to Robert Liddell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23149) granting a pension to Louise Wilson—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter—to the Committee on Pensions.

Also, a bill (H. R. 23151) granting an increase of pension to Alley S. Rose—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 23152) granting a pension to Edward Hunt—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 23153) granting an increase of pension to George Quilen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23154) granting an increase of pension to Helen Hough—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 23155) granting a pension to Isabella Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23156) granting an increase of pension to Abram Mussey—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 23157) granting an increase of pension to Peleg Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23158) granting an increase of pension to Edward Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23159) granting an increase of pension to John D. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23160) granting an increase of pension to George H. Dow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23161) granting an increase of pension to Ebenezer H. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23162) granting an increase of pension to Stephen B. Marston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23163) granting an increase of pension to Mary E. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23164) granting an increase of pension to Cyrus T. Wardwell—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 23165) for the relief of William Sooy Smith—to the Committee on Military Affairs.

By Mr. MCGUIRE: A bill (H. R. 23166) granting an increase of pension to William S. Voris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23167) granting an increase of pension to Jacob Amberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23168) granting an increase of pension to J. P. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23169) granting an increase of pension to George L. Toombs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23170) granting an increase of pension to Nathan L. Faulkner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23171) granting an increase of pension to Harmon Veatch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23172) to remove the restrictions upon the alienation of lands held by certain Creek Indians—to the Committee on Indian Affairs.

By Mr. McNARY: A bill (H. R. 23173) granting a pension to Ann White—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23174) granting an increase of pension to Thomas G. Matthews—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 23175) granting an increase of pension to Henry A. Fuller—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 23176) granting an increase of pension to James Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23177) granting an increase of pension to David Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23178) granting an increase of pension to J. M. Ayres—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23179) granting an increase of pension to John S. Shirley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23180) granting an increase of pension to Zachariah Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23181) granting an increase of pension to James H. Clark—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 23182) granting an increase of pension to Martha Ella Wrenn—to the Committee on Pensions.

Also, a bill (H. R. 23183) granting a pension to Ben F. Herring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23184) for the relief of the legal representatives of J. W. Wilkins, deceased, late of Prince William County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 23185) for the relief of the legal representatives of J. W. Darne, late of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 23186) for the relief of the trustees of the Methodist Episcopal Church South, of Rectortown, Va.—to the Committee on War Claims.

By Mr. SCHNEEBELI: A bill (H. R. 23187) granting a pension to Jennie Luckenback—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 23188) granting an increase of pension to O. C. Auringer—to the Committee on Pensions.

Also, a bill (H. R. 23189) granting an increase of pension to Frank Schader—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 23190) granting an increase of pension to Philip Hinkle—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 23191) for the relief of R. Russell, Irve W. Ellis, J. L. Barroum, N. H. Carder, and Wooten & Vasbinder—to the Committee on Indian Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 23192) for the relief of J. W. Hood—to the Committee on War Claims.

Also, a bill (H. R. 23193) granting an increase of pension to Nathan G. Springs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23194) granting an increase of pension to Francis M. Anderson—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 23195) granting an increase of pension to Aurora G. Ellis—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 23196) granting a pension to Margaret Rand—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 23197) granting an increase of pension to Agnes E. Brown—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn—to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 23062) granting an increase of pension to Lewis M. Moses—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURLEIGH: Paper to accompany bill for relief of George F. Bachelder—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: Petitions of Dagsboro Council, No. 30, and Telegraph Council, No. 29, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. Dalzell: Paper to accompany bill for relief of John Cowan—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of Pride of Wheeling Council, No. 20, Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Petition of the Daily Record, Kansas City,

Mo., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLACK: Paper to accompany bill for relief of Henry S. Irish—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of James M. Davidson—to the Committee on Pensions.

By Mr. FORDNEY: Petition of soldiers of the civil war, for legislation making the date given at enlistment the lawful date of soldier's birth—to the Committee on Invalid Pensions.

By Mr. FOWLER: Paper to accompany bill for relief of Philip Loney—to the Committee on Pensions.

Also, petition of Drew Theological Seminary, Madison, N. J., against legislation that abridges the existing rights of libraries to import books in the English language—to the Committee on Patents.

Also, petition of the Sabbath Recorder, Plainfield, N. J., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Good Intent Council, No. 75, Daughters of Liberty, of Hackettstown, N. J., and Pride of Vanalta Council, No. 94, of Morristown, N. J., Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Petition of Guiding Star Council, No. 124, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Ship and Steamboat Joiners of San Francisco, Cal., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge No. 344, Boiler Makers, Sheffield, Ala., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Gazette, Lancaster, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of James D. Grahame and other citizens of California; O. A. Treitmoer; the Japanese and Korean Exclusion League; A. E. Yoell, and Painters' Union No. 9, all of San Francisco, against employment of Asiatic cooly labor within the Panama Canal Zone, and for extending the provisions of the Chinese-exclusion act to include Japanese and Koreans and other undesirable Asiatics—to the Committee on Labor.

By Mr. HENRY of Connecticut: Petition of the Hartford (Conn.) Telegram, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Lady Wooster Council, No. 11, Daughters of Liberty, of Danbury, Conn., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Henry Dillon—to the Committee on Invalid Pensions.

Also, petition of the Ocean Grove Times, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of the Utah State Postmasters' Association, for increase of salaries of clerks and carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNT: Petition of F. P. Blair Council, No. 26, of St. Louis, Mo., Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petition of Golden Rod Council, No. 24, Daughters of America, of New Freedom, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of Kelton B. Miller, of Pittsfield, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of Charlotte S. O'Neal—to the Committee on Pensions.

Also, paper to accompany bill for relief of George Young—to the Committee on Invalid Pensions.

Also, petition of the Daily Item, Sumter, S. C., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of Helen Hough—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George Quien—to the Committee on Invalid Pensions.

Also, petition of Bridgewater (Conn.) Grange, No. 153, against free seed distribution—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of Crystal Lake Council, No. 19, Junior Order United American Mechanics, Weld, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.



By Mr. LORIMER: Paper to accompany bill for relief of William Sooy Smith—to the Committee on Military Affairs.

By Mr. McKINNEY: Petition of the Daily Mail, Moline, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the town board of Ursa, Ill., for an appropriation to improve the banks of the Mississippi River between Quincy and Warsaw, Ill.—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Paper to accompany bill for relief of Jemina Grigg (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Silver Crescent Council, No. 3, Daughters of Liberty, of Philadelphia, Pa.; Spring Garden Council, No. 18, Junior Order United American Mechanics; Egyptian Council, No. 144, Daughters of Liberty; Liberty Bell Council, No. 76, Daughters of Liberty, of Philadelphia, Pa., and Samuel H. Ashbridge Council, No. 1026, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Franklin Printing Company, of Philadelphia, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NORRIS: Petitions of the Reformed Presbyterian Church, the First Presbyterian Church, and the Methodist Episcopal Church, all of Superior, Nebr., for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. OVERSTREET: Paper to accompany bill for relief of Emily Weiland, widow and heir of Carl Weiland—to the Committee on War Claims.

By Mr. OLCOTT: Paper to accompany bill for relief of Henry A. Fuller—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of George S. Clark—to the Committee on Invalid Pensions.

Also, petition of the Yates County Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the harbor-master of Philadelphia, Pa., for an appropriation to deepen the channel of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. RIXEY: Paper to accompany bill for relief of the trustees of the Methodist Episcopal Church of Rectortown, Va.—to the Committee on War Claims.

Also, petitions of Dumfries Council, No. 137; Bull Run Council, No. 104; Bell Haven Council, No. 132, and Bell Haven Council, No. 61, of Alexandria, Va., Junior Order United American Mechanics, and Martha Washington Council, No. 4, of Alexandria, Va., Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of the Easton Argus, Easton, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Paper to accompany bill for relief of O. C. Ruriger—to the Committee on Pensions.

By Mr. SULZER: Paper to accompany bill for relief of Aurora G. Ellis—to the Committee on Invalid Pensions.

By Mr. WEBBER: Paper to accompany bill for relief of Asa F. Gardner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Hudson B. Shotwell—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of the governors of the New England States and manufactures in said States, for two forest reserves in the East, to be known as the Appalachian and White Mountain Forest reserves—to the Committee on Agriculture.

## SENATE.

THURSDAY, January 3, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday, December 20, 1906, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of June 29, 1906, a statement relative to the quantities and character of coal purchased during the last fiscal year for the use of the Agricultural Department, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 29, 1906, reports from the Quartermaster-General, the Chief of Engineers, and the Chief of Ordnance, United States Army, and the Chief of the Supply Division, War Department, together with accompanying statements, relative to the quantities and character of coal purchased during the last fiscal year for the use of the War Department, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of June 29, 1906, a statement showing the quantities and character of coal purchased by the Treasury Department for the several United States buildings under its control, throughout the country, and its bureaus and branches, during the last fiscal year, and also the quantities contracted for during the current fiscal year, etc.; which, with the accompanying paper, was ordered to lie on the table, and be printed.

### FREEDMAN'S HOSPITAL BUILDING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, recommending an increase in the limit of cost of the new Freedman's Hospital building, and also that an additional appropriation be made for the installation of a system of heating and ventilating; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### THE PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a petition of the Agricultural Association of Panay and Negros with reference to the passage of a tariff bill in the interest of the Philippines; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

### PAY OF ORDNANCE OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance recommending that section 1063 of the Revised Statutes be amended so that the ordnance officer in charge of any national armory shall receive no compensation other than his regular pay and allowances as an officer of the corps; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

### WILLIAM G. LABADIE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to William G. Labadie, Peoria allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting an item to correct a discrimination in the act of June 5, 1906, relative to the allotment of lands to children of Indian parentage born since June 6, 1900, whose father or mother was a duly enrolled member of either of the Kiowa, Comanche, or Apache Indians, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### JOHN W. EARLY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to John W. Early, Ottawa allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### LOSS OF LIGHTER MARIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 17, 1906, certain information relative to the allowance made by the Quartermaster-General's Department on the claim of Brooks & Co., of Santiago, for the loss of the lighter *Maria* while in the service of the Government of the United States during its military occupation of Cuba; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.